

Japan Looking at the World Looking at Japan

European Expansion into East Asia, the Formation of the Japanese Concept and Perception of Colonial Rule as well as European Responses c. 1900¹

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An Interactionist Approach to the History of International Relations

On 8 February 1868, the newly installed Meiji Government of Japan issued its proclamation nr 5. In this proclamation, it declared that it would honor the treaties that had been concluded between Japan and states in Europe and North America since 1854, but that it would also seek their revision in accordance with ‘universal public law’ 宇内の公法 (*udai no kōhō*). On behalf of the government, Higashikuze Michitomi 東久世通禧, then in office as Director General Agency for Foreign Affairs 外国事務総督 (Gaikoku Jimu Sōtoku), communicated the contents of the proclamation to foreign diplomatic envoys then accredited in Japan.² The proclamation thus articulated the perception that there was a hierarchy of two legal frameworks that could be addressed for different, if not mutually exclusive purposes. Within this

1 Paper read to the Historical Institute of the University of Greifswald, 24 April 2017.

2 GENERAL AGENCY FOR FOREIGN AFFAIRS 外国事務総督 (Gaikoku Jimu Sōtoku): “Gaikō ni kan suru Fukokusho 外交に關スル布告書” (Government Proclamation Relating to Diplomacy [dated 8 February 1868 = 15th day of the first month of year Keio 4, concerning the treaties between Japan and other states, written by ŌKUBO Toshimichi 大久保利道 and MUTSU Munemitsu 陸奥宗光]), *Dai Nihon gaikō monjo* 大日本外交文書 (Diplomatic Records of Japan), nr 97, vol. 1, Nihon Kokusai Kyōkai 日本国際協会 1938: 227–28. HIGASHIKUZE Michitomi: *Nikki* 日記 (Diary), vol. 1, Kasumi Kaikan 霞会館 1992: 521 [entry on 12 February 1868 = 19th day of the first month of year Keio 4]. The US envoy reported the communication on 16 February 1868. See Payson Jackson TREAT: *Diplomatic Relations between the United States and Japan*, vol. 1, Stanford and London: Stanford University Press 1932: 344 [reprint, Gloucester, MA: Smith 1963]. For a comment see OWADA Hisashi [小和田恒]: “Japan, International Law and the International Community”, ANDŌ Nisuke [安藤仁介] (ed.): *Japan and International Law*, The Hague, London and Boston: Kluwer 1999: 347–78, at 351.

hierarchy, the treaties represented the lower level featuring specifically set stipulations that might be laid down in writing and were regarded as binding. Yet the binding force of these specific statutory stipulations was to emerge from the higher level of non-statutory unwritten legal rules and these rules were to be used not only to the end of enforcing but also for the purpose of revising specific stipulations. The perception in Japan of a hierarchy of non-statutory unwritten *leges generales* positioned above written statutory *leges speciales*³ was virtually equivalent of the distinction between natural and positive law as part and parcel of European theory of international law up until the early nineteenth century.⁴ By contrast, European theorists of international law as well as foreign-policy decision-makers in government have, since the turn of the nineteenth century, operated under the expectation that international law could only be established and enforced in some specific “legal community”, whose members were to be selected from a number of states in America and Europe.⁵ In taking this stance, they rejected the pre-

3 The distinction was applied retrospectively by TABATA Shigejirō 田畑茂二郎: “Kokusaihō chitsujo no tagenteki kōsei” 国際法秩序の多元的構成 (The Pluralist Structure of the International Order), in: *Hōgaku ronsō* 法学論叢 (Legal Debates), vol. 47 (1942): 383–402, vol. 48 (1943): 349–74, 908–34, at: 388–89.

4 For general treatises on the application of natural law theory to international law in the eighteenth century see Gottfried ACHENWALL: *Juris naturalis pars posterior*, Göttingen: Bossiegel 1763 [seventh edn, *ibid.* 1774]. ACHENWALL: *Juris gentium Europaeorum practici primae lineae fragmentum libelli*, Göttingen: Bossiegel 1775. Joachim Georg DARJES: *Observationes iuris naturalis, socialis et gentium ad ordinem systematis sui selectae*, Jena: Gütth 1751. DARJES: *Discours über sein Natur- und Völkerrecht*, Jena: Hartung 1762.

5 For general legal theory see Friedrich Carl von SAVIGNY: *Vom Beruf unsrer Zeit für Gesetzgebung und Rechtswissenschaft*, Heidelberg: Mohr und Zimmer 1814 [second edn, *ibid.* 1828; third edn, *ibid.* 1840; new edn of the third edn, Freiburg: Mohr 1892; reprints of the first edn, Hildesheim and New York: Olms 1973; Goldbach: Keip 1997 (100 Jahre Bürgerliches Gesetzbuch, Pandektenrecht 54)]. Georg Friedrich PUCHTA: *Gewohnheitsrecht*, 2 vols, Erlangen: Palm 1828–1837, vol. 1: 143–47, vol. 2: 7–8 [reprint, Darmstadt: Wissenschaftliche Buchgesellschaft 1965]. PUCHTA: *Pandekten*, second, enlarged edn, Leipzig: Barth 1844: 16–7 [reprint of this edn, Frankfurt: Vico 2008; first published, Leipzig: Barth 1838]; third edn, *ibid.* 1845; fourth edn, *ibid.* 1848; fifth edn, *ibid.* 1850; sixth edn, *ibid.* 1852; seventh edn, *ibid.* 1853; eighth edn, *ibid.* 1856; ninth edn, *ibid.* 1863; tenth edn, *ibid.* 1866; eleventh edn, *ibid.* 1872; twelfth edn, Berlin and Leipzig: Barth 1877; reprint of this edn, Goldbach: Keip 1999]. For international legal theory see Henry WHEATON: *Elements of International Law*, §§ 9–11, London: Fellowes and Philadelphia: Carey, Lee & Blanchard 1836: 44–6 [third US edn, Philadelphia: Lee & Blanchard 1846; new edn by William Beach LAWRENCE, Boston: Little, Brown & Co. 1855; second edn of the edn by LAWRENCE, Boston: Little, Brown & Co. and London: Low 1863; eighth edn, edited by Richard Henry DANA, Boston: Little, Brown & Co. and London: Sampson & Low 1866; new edn of the English edn, edited by Alexander Charles BOYD, London: Stevens 1878; second edn of the edn by BOYD, London: Stevens 1880; third edn of the edn

vious eighteenth-century position that international law was part of natural law and that the universal non-institutionalized *civitas maxima* was to be accepted as the framework through which international legal rules were part of the ordered world.⁶ Throughout the nineteenth century, there was thus a clash of perceptions between adherents to positivist theory of international law in America and Europe, on the one side, and, on the other, government policy-makers not merely in Japan but also elsewhere in the world, about who preferred to adhere to their established natural legal norms for their conduct of international relations.⁷

by Alexander Charles BOYD, *ibid.* 1889; fourth edn of the English edn, edited by James Beresford ATLAY, *ibid.* 1904; fifth edn of the English edn, edited by Coleman PHILLIPSEN, *ibid.* 1916; sixth edn of the English edn, edited by Arthur Berriedale KEITH, *ibid.* 1929; reprints of the original edn, New York: Da Capo Press 1972; Clark, NJ: Lawbook Exchange 2012; reprint of the edn by Dana, edited by George Crafton WILSON, Oxford: Oxford University Press 1936; reprint of this reprint, New York: Da Capo Press 1972; reprint of the original edn by Dana, New York: Da Capo Press 1991]. For a recent restatement of the principle see Urs Matthias ZACHMANN: *Völkerrechtsdenken und Außenpolitik in Japan. 1919–1960*, Baden-Baden: Nomos 2013 (Studien zur Geschichte des Völkerrechts, 29): 51–68 [*Habilitationsschrift* Munich University, 2010 s.t.: ‘Krieg und Ordnungsdenken im japanischen völkerrechtlichen Diskurs 1919–1960. Studien zur Geistesgeschichte der Zwischen- und frühen Nachkriegszeit’]. For studies on customary law see Christoph KLETZER: “Custom and Positivity. An Examination of the Philosophic Ground of the Hegel–Savigny Controversy”, James Bernard MURPHY (ed.): *The Nature of Customary Law*, Cambridge: Cambridge University Press 2007: 125–48. Michael LOBBAN: “Custom, Law and Common Law Reasoning and the Law of Nations in the Nineteenth Century”, *ibid.*: 256–78. For similar statements emerging from diplomatic correspondence see George MACARTNEY: “[Confirmation of the Receipt of the Instruction Given to Him on the occasion of his Mission to China, 4 January 1792; Ms. London: India Office, China-Macartney, 6/12/9]”, edited by Alain PEYREFITTE: *L’empire immobile. Ou Le choc des mondes*, Paris: Fayard 1989: 107. MACARTNEY: *An Embassy to China. Being the Journal Kept by Lord Macartney during His Embassy to the Emperor Ch’ien-lung. 1793–1794*, Nr XXVI, edited by John Lancelot CRANMER-BYNG (Britain and the China Trade, 8), London and New York: Routledge 2000: 95, 167 [first printing of this edn, London: Longman 1962]. John Lancelot CRANMER-BYNG: “Lord Macartney’s Embassy to Peking in 1793. From Official Chinese Documents”, *Journal of Oriental Studies*, vol. 4, issues 1–2 (1957/58): 117–87, at 145, 156–58.

- 6 Christian WOLFF: *Jus Gentium methodo scientifico pertractatum*, §§ 8–12, 16, Halle: Rengger 1749: 6–10, 12 [reprint, edited by Marcel THOMANN, Hildesheim and New York: Olms 1972 (Wolff, Gesammelte Werke, Part B, vol. 25)]. Emèrita de VATTEL: *Le droit des gens. Ou Principes de la loi naturelle appliqués à la conduite et aux affaires des nations et des souverains*, Préliminaires, § 11, London [recte Neuchâtel]: s.n. 1758: 7 [reprint, edited by Albert de LAPRADELLE, Washington: Carnegie Institute 1916; reprint of the reprint, Geneva: Slatkine 1983].
- 7 Samuel MAHARERO: [Letter to Theodor Leutwein, Governor of German Southwest Africa, 6 March 1904], Paul ROHRBACH, *Deutsche Kolonialwirtschaft*, Berlin: Verlag “Die Hilfe” 1907: 333–34 [English version edited by Jeremy SILVESTER and Jan-Bart GEWALD: *Words*

One of the factors distinguishing naturalist from positivist theory of international law related to the perception of states as autonomous institutions of governance. Within the natural law tradition, in Europe as well as elsewhere in the world, the autonomy and the rights of states counted as givens for the entire world and as parts of the *civitas maxima* by “natural” endowment, that is, by virtue of their being states. By consequence, there was neither a need of specific stipulations of sovereign rights nor was there a demand for specific processes of admission or recognition of states.⁸ By contrast, proponents of the positivist theory of international law maintained that the postulated “international legal community” as the agent establishing and enforcing international law was to be regarded as the result of purposeful legal acts, first constituting that very community and then regulating access to it of further members.⁹ In other words, positivists constituted the “international legal community” as an exclusionist club of states with restricted membership and limited access rights. Within positivist theory of international law, thus, access to the “community” was to be open to states outside America and Europe solely on the ground of the recognition through acts of grace by governments of member states, with the qualification that newly to be admitted states should comply with some imagined standard of “civiliza-

Cannot be Found. German Colonial Rule in Namibia. An Annotated Reprint of the 1918 Blue Book, Leiden: Brill 2004: 99–100]. Hendrik WITBOOI: [Letter to Maharero Tyamuaaha, Hornkranz, 30 May 1890], WITBOOI, *Afrika den Afrikanern! Aufzeichnungen eines Nama-Häuptlings aus der Zeit der deutschen Eroberung Südwestafrikas, 1884–1894*, edited by Wolfgang REINHARD, Berlin and Bonn: Dietz 1982: 89–93 [first printed, WITBOOI: *De dagboek van Hendrik Witbooi*, Cape Town: Van Riebeeck Society 1929; English version, *The Hendrik Witbooi Papers*, edited by Annemarie HEYWOOD, Eben MAASDORP and Brigitte LAU, second edn, Windhoek: National Archives of Namibia 1995; first edn of this edn, *ibid.* 1989; also, SILVESTER: *Words* (as above): 36–7].

- 8 WITBOOI: Letter (note 7). WOLFF: *Ius* (note 6): 6–9. Cf. Jochen Graf von BERNSTORFF: *The Public International Law Theory of Hans Kelsen. Believing in Universal Law*, Cambridge: Cambridge University Press 2000: 108–18 [first published, Baden-Baden: Nomos 2001 (Studien zur Geschichte des Völkerrechts, 2)].
- 9 Heinrich TRIEPEL: *Völkerrecht und Landesrecht*, Leipzig: Hirschfeld 1899: 76, 80–1 [new edn, Tübingen: Mohr & Siebeck 1907; reprint, Aalen: Scientia 1958; French version, Paris: Pédone 1920]. For studies of the concept of the international legal community see: BERNSTORFF: *Law* (note 7): 26–41, 108–18. Randall LESAFFER: *Europa. Een zoektocht naar vrede. 1453–1763 en 1945–1995*. Ph.D. Thesis, University of Leuven 1999: 375–441. Ian CLARK: *International Legitimacy and World Society*, Oxford: Oxford University Press 2007. Andreas L. PAULUS: *Die internationale Gemeinschaft im Völkerrecht*, Munich: Beck 2001 (Münchener Universitätschriften, Reihe der Juristischen Fakultät 159): 45–219.

tion”.¹⁰ Since the early nineteenth century, the concept of “civilization” has been a label conveying the belief that some patterns of the conduct of international relations and sets of cultural practices should be followed with the “international legal community” for the purpose of facilitating the generation and enforcement of international legal norms.¹¹ Early in the nineteenth cen-

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- 10 Alexander Freiherr von SIEBOLD: *Der Eintritt Japans in das europäische Völkerrecht*, Berlin: Tamai 1900. Immanuel Chung-Yueh HSU: *China's Entrance in to the Family of Nations. The Diplomatic Phase. 1858–1880*, Cambridge, MA: Harvard University Press 1960 (Harvard East Asia Series, 5). Brett BOWDEN: *The Empire of Civilization. The Evolution of an Imperial Idea*, Chicago: University of Chicago Press 2009: 103–27. Gerrit W. GONG: *The Standard of “Civilization” in International Society*. Ph.D. Thesis, typescript, University of Oxford 1980 [printed version, Oxford: Clarendon Press 1984]. GONG: “China’s Entry into International Society”, Hedley BULL and Adam WATSON (eds): *The Expansion of International Society*, Oxford: Oxford University Press 1984: 171–83 [another edn, *ibid.* 1985]. SUGANAMI Hidemi [菅波英美]: “Japan’s Entry into International Society”, BULL: *Expansion* (as above): 185–99. ZHANG Yong-jin: *China in the International System. 1919–20*, Basingstoke: Palgrave and New York: St Martin’s Press 1991. ZHANG: “China’s Entry into International Society. Beyond the Standard of ‘Civilization’”, *Review of International Studies* 17 (1991): 3–16.
- 11 See, among many, William Edward HALL: [*A Treatise on*] *International Law*, Oxford: Oxford University Press 1880: 100, 114–15, 125–27 [second edn, *ibid.* 1884; third edn, *ibid.* 1890; fourth edn, *ibid.* 1895; fifth edn, edited by James Beresford ATLAY, *ibid.* 1904; sixth edn, edited by James Beresford ATLAY, *ibid.* 1909; seventh edn, edited by Alexander Pearce HIGGINS, *ibid.* 1917; eighth edn, edited by Alexander Pearce HIGGINS, *ibid.* 1924. Reprint of the eighth edn, Aalen: Scientia 1979]. For criticisms of the use of “civilization” as a technical legal term see: Antony ANGHIE: *Imperialism, Sovereignty and the Making of International Law*, Cambridge: Cambridge University Press 2005: 53–65. Francisco Castilla URBANO: *El pensamiento de Francisco de Vitoria*, Barcelona: Anthropos 1992 (Pensamiento crítico, pensamiento utópico, 69): 231–48. James CRAWFORD: *The Creation of States in International Law*, Oxford and New York: Oxford University Press 1979: 177–81. GONG: *Standard* (note 9, typescript version): 61. Wilhelm Georg Carl GREWE: *Epochen der Völkerrechtsgeschichte*, second edn (Baden-Baden: Nomos 1988): 520–35 [*Habilitationsschrift*, University of Königsberg 1941; first, unpublished print, Leipzig 1945; first book trade edn, Baden-Baden: Nomos 1984; English version, Berlin: de Gruyter 2000]. Martti Antero KOSKENNIEMI: *The Gentle Civilizer of Nations. The Rise and Fall of International Law. 1870–1960*, Cambridge: Cambridge University Press 2002: 127–32 [fifth edn, *ibid.* 2008]. David LONG: “Paternalism and the Internationalization of Imperialism. J. A. Hobson on the International Government of the ‘Lower Races’”, LONG and Brian C. SCHMIDT (eds): *Imperialism and Internationalism in the Discipline of International Relations*, Albany: State University of New York Press 2005: 71–92. Frédéric MÉGRET: “From ‘Savage’ to ‘Unlawful Combatants’. A Post-Colonial Look at International Humanitarian Law’s ‘Other’”, Anne ORFORD (ed.): *International Law and Its Others*, Cambridge: Cambridge University Press 2006: 265–317. Joachim MORAS: *Ursprung und Entwicklung des Begriffs der Zivilisation in Frankreich (1756–1830)*, Hamburg: Seminar für Romanische Sprachen und Kultur 1930 (Hamburger Studien zu Volkstum und Kultur der Romanen, 6): 6–9, 37–8.

tury, lawyer Theodor von Schmalz opined that nations without a civil society could not have knowledge of rights in landed property and should therefore be classed as ‘hordes’ and concluded that such alleged ‘hordes’ could not be members of the “international legal community”.¹² Later in the century, another lawyer, Arrigo Cavaglieri, concurred by stating matter-of-factly that the capability of protecting private property was the main indicator of “civilization” and that groups of people portrayed as incapable of accomplishing this task could not be recognized as legal equals.¹³ With an eye on the decisions of the Berlin Africa conference of 1884/5, his colleague Ferdinand von Martitz thus pontificated that ‘areas in which savages and semi-savages rove about cannot be treated as state territories’.¹⁴ Diplomat Henry Wheaton specified that only “the usage of civilized nations has established a certain etiquette, to be observed by the members of the diplomatic corps, resident at the same court, towards each other, and towards the members of the government to which they are accredited”.¹⁵ With characteristic candor, philosopher John Stuart Mill seconded with the argument that, what he called “international morality” in the tradition of John Austin’s legal theory, demanded the recognition of the reciprocity of binding rights and obligations. He then added the warning: “To suppose that the same international customs, and the same rule of international morality, can obtain between one civilised nation and another, and between a civilised nation and barbarians, is a grave error, and one which no statesman can fall into. ... In the first place, the rules of ordinary international morality imply reciprocity. But barbarians will not reciprocate. ... In the next place, nations which are still barbarous have not got beyond the period during which it is likely to be for their benefit that they should be conquered or held in subjection by foreigners.”¹⁶ Mill

12 Theodor Anton Heinrich von SCHMALZ: *Das europäische Völkerrecht*, Berlin: Duncker & Humblot 1817: 4–5 [reprint, Frankfurt: Keip 1970].

13 Arrigo CAVAGLIERI: “La conception positive de la société internationale”, *Revue générale de droit international public* 18 (1911): 259–76, at 265.

14 Ferdinand von MARTITZ: “Das Internationale System zur Unterdrückung des Afrikanischen Sklavenhandels in seinem heutigen Bestande”, *Archiv des öffentlichen Rechts* 1 (1885): 3–107, at 16–7.

15 WHEATON: *Elements*, § 223 (note 5, edn of 1866): 251.

16 John Stuart MILL: “A Few Words on Non-Intervention”, MILL: *Dissertations and Discussions. Political, Philosophical and Historical*, vol. 3, London: Parker 1867: 153–78, at 168 [second edn of this edn, London: Longman 1875; first published, *Fraser’s Magazine* (1859); also, MILL: *Essays on Politics and Culture*, edited by Gertrude HIMMELFARB, Garden City: Doubleday 1963): 368–84; MILL: *Essays on Equality, Law and Education*, edited by John M. ROBSON (Mill, Collected Works, vol. 21), Toronto, Buffalo and

thus claimed a lack of governmentality in groups outside Europe and the American settler colonies and used this claim as an entitlement for colonial rule. At the end of the century, lawyer James Lorimer created the circular argument that the freedom of trade had to be conceded to British traders as the condition for the recognition of sovereign statehood and then insisted that international legal rules did not have to become applied to “savages”, because these groups could not be regarded as residing in states.¹⁷ In a similar vein, his fellow lawyer Thomas Joseph Lawrence refused to recognize populations of allegedly migrant “tribes” as inhabitants of states and set “civilization” as the condition for the recognition of sovereignty.¹⁸ Even twentieth-century scholars did not hesitate to use the concept of “civilization” as a technical term denoting the alleged condition for the admission of states into the “international legal community”.¹⁹

London: University of Toronto Press 1984: 109–24]. MILL: “Civilization [1836]”, MILL: *Essays on Politics and Society*, edited by John M. ROBSON, Toronto, Buffalo and London: University of Toronto Press 1977 (Mill, Collected Works, vol. 18): 117–47. On these texts see Beate JAHN: “Barbarian Thought. Imperialism in the Political Philosophy of John Stuart Mill”, *Review of International Studies* 31 (2005): 599–618. JAHN: “Classical Smoke, Classical Mirror. Kant and Mill in Liberal International Relations Theory”, JAHN (ed.): *Classical Theory in International Relations*, Cambridge: Cambridge University Press 2006 (Cambridge Studies in International Relations, 103): 178–203 [first published as “Kant, Mill and Illiberal Legacies in International Affairs”, *International Organization* 59 (2005): 177–207]. Georgios VAROUXAKIS: “John Stuart Mill on Intervention and Non-Intervention”, *Millennium* 26 (1997): 57–76.

17 JAMES LORIMER: *The Institutes of the Law of Nations*, vol. 2, Edinburgh and London: Blackwood 1884: 27 [reprint, Aalen: Scientia 1980]. LORIMER: “La doctrine de la reconnaissance, fondement du droit international”, *Revue de droit international et de législation comparée* 16 (1884): 333–59, at 335.

18 Thomas Joseph LAWRENCE: *The Principles of International Law*, §§ 44, 90, London and New York: Macmillan 1895: 58, 136 [second edn, *ibid.* 1895; third edn, London: Macmillan and Boston: Heath 1900; 1909; fourth edn, *ibid.* 1910; 1911; fifth edn, *ibid.* 1913; sixth edn, *ibid.* 1915; seventh edn, edited by Percy H. WINFIELD, Boston: Heath 1923]. Similarly Eduardo CIMBALI: *Popoli barbari e popoli civili*, second edn, Rome: Bocca 1891 [first published, *ibid.* 1887]. Giuseppe TRIONE: *Gli stati civili nei loro rapporti giuridici coi popoli barbari e semibarbari*, Turin: Bocca 1899 (Nuova collezione di opere giuridiche, 97). John WESTLAKE: *Chapters on the Principles of International Law*, Cambridge: Cambridge University Press 1894: 142–45, 177–78 [reprints, Littleton, CO: Rothmann 1982; Charleston: Bibliolife 2009; also reprinted, WESTLAKE: *The Collected Papers on Public International Law*, edited by Lassa Francis OPPENHEIM, Cambridge: Cambridge University Press 1914: 1–282].

19 Joseph Laurenz KUNZ: “Zum Begriff der ‘nation civilisée’ im modernen Völkerrecht”, *Zeitschrift für öffentliches Recht* 7 (1928): 86–99, at 96. Dietrich SCHINDLER [the Younger]: “Völkerrecht und Zivilisation”, *Schweizerisches Jahrbuch für internationales Recht* 13 (1956): 79–96. Paul REUTER: *Introduction to the Law of Treaties*, London: Pinter

In other words, admission into the “international legal community” as a club of states depended on the perception among governments of member states that the newly incoming states were structured as if they were states in America and Europe. If member state governments refused to grant the status of ‘civilization’, admission was denied with the consequence that international legal norms and principles of the conduct of international relations were, if at all, not fully applied to non-members. Moreover, in American and European perspective, these non-members were deemed to become targets of “civilizing” measures²⁰ or subject to direct or indirect colonial rule. With regard to Japan prior to 1868, some European governments, notably the British, the French and the Prussian, took the view that Japan might come under their colonial rule²¹ while from the 1870s, these designs gave way to

1989: 6 [second edn, London: Kegan Paul 1995; first published, Paris: Colin 1972]. Georg SCHWARZENBERGER: “The Standard of Civilization in International Law”, SCHWARZENBERGER and George Williams KEETON (eds): *Current Legal Problems*, vol. 8, London: Stevens 1955: 212–34, at 216. The legal dimension in contemporary attempts at the justification of colonial rule is usually underrepresented in economy-based analyses of the period of high imperialism, which seek to trace economic benefits of the superimposition of colonial rule for colonial centers. For a pioneering study see David Kenneth FIELDHOUSE: *Economics and Empire. 1830–1914*, London: Weidenfeld & Nicolson and Ithaca: Cornell University Press 1973: 21–2, 26, 32–3. For criticisms of this approach see Paul BAIROCH: *Economics and World History*, New York: Harvester Wheatsheaf and Chicago: University of Chicago Press 1993: 57–98, 173. Peer VRIES: *Escaping Poverty. The Origins of Modern Economic Growth*, Göttingen: Vandenhoeck & Ruprecht 2013: 271, 382–400.

- 20 Boris BARTH and Jürgen OSTERHAMMEL (eds): *Zivilisierungsmissionen. Imperiale Weltverbesserung seit dem 18. Jahrhundert*, Constance: UVK Verlagsgesellschaft 2005. BOWDEN: *Empire* (note 10): 129–59. BOWDEN, *Civilization and War*, Cheltenham: Elgar 2013. Gerrit W. GONG: “China’s Entry into International Society. Beyond the Standard of ‘Civilization’”, *Review of International Studies* 17 (1991): 3–16. Eric WEITZ: “From the Vienna to the Paris System. International Politics and the Entangled Histories of Human Rights, Forced Deportation and Civilizing Missions”, *American Historical Review* 113 (2008): 1313–43.
- 21 Maximilian August Scipio von BRANDT: [Memorandum Concerning Colonies in East Asia], January 1867, edited by Rolf-Harald WIPPICH, *Japan als Kolonie? Max von Brandts Hokkaidō-Projekt 1865/67* (Übersee, 31), Hamburg: Abera 1997: 29–42. BRANDT: *Dreiunddreißig Jahre in Ostasien*, vol. 2, Leipzig: Wigand 1901: 148 [new edn, ibid. 1909; partly edited by Catharina BLOMBERG, *The West’s Encounter with Japanese Civilization. 1800–1940*, vol. 11, Richmond, SY: Japan Library 2000; reprint, Seoul: Kyōngin Munhwasa 2001 (Künse Tong Asea Sōvangō Charvo Ch’angsō, 93); microfiche edn, Munich: Saur 2002 (German Books on Japan. 1477–1945, 1, 1)]. Thierry MORMANNE: “La prise de possession d’Urup par la flotte anglo-française en 1855”, *Cipango* 11 (2004): 209–36. Laurence OLIPHANT: *Narrative of the Earl of Elgin’s Mission to China and Japan in the Years 1857, ’58, ’59*, vol. 2, Edinburgh and London: Blackwood 1859: 248–49 [another edn, New York: Harper 1860; reprints, New York:

policies aimed at the imposition upon Japan of “civilizing” measures to the end of transforming not merely the state structure but also basic patterns of Japanese culture.²² Extraterritoriality of law in conjunction with consular jurisdiction²³ and the enforcement of export duties were the legal instruments used to bully the Meiji government to accept ‘civilization’ as the main condition for the revision of the treaties that had been concluded since 1854²⁴. Initially, the Meiji government responded to these forms of regime

Kelley 1969; Hongkong: Oxford University Press 1970]. Bruno SIEMERS: “Preußische Kolonialpolitik 1861–62”, *Nippon* 3 (1937): 20–6.

- 22 For a survey see Paul-Christian SCHENCK: *Der deutsche Anteil an der Gestaltung des modernen japanischen Rechts- und Verfassungswesens*, Stuttgart: Steiner 1997 (Beiträge zur Kolonial- und Überseegeschichte, 68).
- 23 For contemporary explications with regard to East Asia see Alessandro PATERNOSTRO: “La révision des traités avec le Japon au point de vue du droit international”, *Revue de droit international et de législation comparée* 23 (1891): 5–29, 176–200. Francis Taylor PIGGOTT: *Exterritoriality. The Law Relating to Consular Jurisdiction and to Residence in Oriental Countries*, London: Clowes 1892 [second edn, London: Kelly & Walsh 1907]. Charles James TARRING: *British Consular Jurisdiction in the East. With Topical Indices of Cases on Appeal from and Relating to Consular Courts and Consuls, also a Collection of Statutes Concerning Consuls*, London: Stevens & Haynes 1887. Travers TWISS: *On Consular Jurisdiction in the Levant and the Status of Foreigners in the Ottoman Law Courts*, London: Clowes 1880 [another edn, *ibid.* 1880]. TWISS: *On Consular Diction in Japan and the Recent Legislation of the Japanese Government*, London: Clowes 1881. On Piggott see Carmen BLACKER: “Two Piggotts. Sir Francis Taylor Piggott (1852–1925) and Major General F.S.G. Piggott (1883–1966)”, Hugh CORTAZZI and Gordon DANIELS (eds): *Britain and Japan. 1859–1991. Themes and Personalities*, Richmond, SY: Japan Library 1991: 118–27.
- 24 For studies on treaty revision see Tadao Johannes ARAKI: *Geschichte der Entstehung und Revision der ungleichen Verträge mit Japan (1853–1894)*. Ph.D. Thesis, typescript, University of Marburg 1959. Michael R. AUSLIN: *Negotiating with Imperialism. The Unequal Treaties and the Culture of Japanese Diplomacy*, Cambridge, MA: Harvard University Press 2004: 146–75 [another edn, *ibid.* 2006]. Hugh CORTAZZI: *The Revision of Japan’s Early Commercial Treaties*, London: London School of Economics and Political Science, Suntory and Toyota International Centres for Economics and Related Disciplines 1999 (International Studies. Discussion Paper IS/99/377). HORA Tomio 洞富雄: *Bakumatsu ishinki no gaiatsu to teikō 幕末維新期の外圧と抵抗* (Foreign Pressure and Resistance at the End of the Tokugawa Period and during the Meiji Restoration), Azekura Shobō 校倉書房 1977. ISHII Kanji 石井寛治 and SEKIGUCHI Yoshiyuki 関口尚志 (eds): *Sekai shijō to bakumatsu kaikō 世界市場と幕末開港* (The World Market and the Opening of Ports at the End of the Tokugawa Period), Tōkyō Daigaku Shuppan Kai 東京大学出版会 1982. Harald KLEINSCHMIDT: *Legitimität, Frieden, Völkerrecht*, Berlin: Duncker & Humblot 2010 (Beiträge zur Politischen Wissenschaft, 159): 277–80. Marlene June MAYO: “A Catechism of Diplomacy. The Japanese and Hamilton Fish. 1872”, *Journal of Asian Studies* 26 (1967): 397–402, at 389–90. Alistair SWALE: “America. 15 January–6 August 1872”, Ian Hill NISH (ed.): *The Iwakura Mission in America and Europe. A New Assessment*, Richmond, SY: Japan Library 1998 (Meiji Japan Series,

colonialism by resorting to the East Asian equivalent of the natural law tradition and thereby provided a record that natural law theory was there used as an instrument legitimizing resistance against perceived unjust rules. Within this variant of natural law theory, Japan had always been and was continuing to be an autonomous, sovereign state like all others. The Meiji government thus, in 1868, committed itself to the universalistic and inclusionistic view that it neither could nor would seek to enter some “international legal community” of somehow privileged states.

From the 1870s, however, the Meiji government changed its internationalist stance, articulated bids for admission into the “international legal community” and pursued a policy of the expansion of its rule into East Asia. Subsequent governments further expanded their range of activities to the South Pacific at the time of World War I and into Southeast Asia during World War II.²⁵ At the latest from the turn of the twentieth century, the expansion of Japanese government control beyond the Archipelago came to be consociated with the reception in Japan of the European concept of colonialism as underlying the practice of colonial rule. Thus, the transformation of Japanese foreign policy goals from the universalistic recourse to some form of natural law tradition into the strategy of the creation of a colonial block under Japanese control warrants the question how the perception of colonialism by the Meiji and subsequent governments changed from a critical into an affirmative stance towards European international law. In a broader social context, the question raises the problem of assessing the significance of perceptions in international relations. The problem is not a new one in the theory of international relations.²⁶ But it has so far not been applied in combination with interactionism as an approach specifying trans-

6): 19–21. TANAKA Akira [田中彰]: “Introduction”, KUME Kunitake [久米邦武], *The Iwakura Embassy 1871–73*, vol. 1, Matsudo 松戸市: Japan Documents 2002: XV–XXV, at XVI.

25 Harald KLEINSCHMIDT: “Ein Imperium der Defensive. Japanische Großmachtpolitik 1872–1945”, Michael GEHLER, Robert ROLLINGER, Sabine FICK and Simone PITTL (eds): *Imperien und Reiche in der Weltgeschichte. Epochenübergreifende und globalhistorische Vergleiche*, vol. 2, Wiesbaden: Harrassowitz 2014: 1309–80.

26 Robert JERVIS: *Perception and Misperception in International Politics*, Princeton: Princeton University Press 1976. Nazli CHOUCRI and Robert Carver NORTH: *Nations in Conflict. National Growth and International Violence*, San Francisco: Freeman 1975. For a critical review of these studies see Harald KLEINSCHMIDT: “Historical Method and the History of International Relations”, Martin KINTZINGER, Wolfgang STÜRNER and Johannes ZAHLTEN (eds): *Das Andere wahrnehmen. August Nitschke zum 65. Geburtstag*, Cologne, Weimar and Vienna: Böhlau 1991: 653–70.

formations of concepts under the condition of their transfer across cultures. As Alexander Wendt has appropriately noted,²⁷ the transfer of concepts and socially constructed perceptions can break down the cultural and geographical boundaries separating societies with their states from the international arena, because concepts and perceptions as intra-cultural constructs remain culturally specific, even when they become transferred across international borders of states and into other cultures. They become subject to and may themselves kick off interactions, thereby taking on new and casting off old elements when becoming applied in societal and cultural contexts different from those of their origin.²⁸ Beyond these lines,²⁹ reciprocal interactionism

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- 27 Alexander WENDT: *Social Theory of International Politics*, Cambridge: Cambridge University Press 1999: 113–34 (Cambridge Studies in International Relations, 67) [twelfth imprint 2009].
- 28 Doris BACHMANN-MEDICK: “The Trans/National Study of Culture. A Translational Perspective”, BACHMANN-MEDICK: *The Trans/National Study of Culture*, Berlin: de Gruyter 2014 (Concepts for the Study of Culture, 4): 1–22. Angelika EPPLE: “Globale Mikrogeschichte. Auf dem Weg zu einer Geschichte der Relationen”, Ewald HIEBL and Ernst LANGTHALER (eds): *Im Kleinen das Große suchen. Mikrogeschichte in Theorie und Praxis*, Innsbruck, Vienna and Bozen: Studienverlag 2012 (Jahrbuch für Geschichte des Ländlichen Raumes, 9): 37–47, at 38, 41–2. Kenneth POMERANZ: *The Great Divergence. China, Europe and the Making of the Modern World Economy*, Princeton and Oxford: Princeton University Press 2000: 8–9 [does not take perceptions into consideration].
- 29 The reciprocal interactionist study of perceptions appears to stand in direct opposition against established methodological convictions in academic historical research, which has continued to follow the long-beaten tracks of uncovering unidirectional impacts and to be submerged in objectivist empiricism, thereby ignoring perceptions as a field of investigation, not merely but decidedly also in German-speaking areas. Thus, as late as in 2006, Nathalie Zemon DAVIS: “What is Universal about History?”, in: Gunilla-Friederike BUDDE, Sebastian CONRAD and Oliver JANZ (eds): *Transnationale Geschichte. Themen, Tendenzen und Theorien* [Festschrift Jürgen Kocka], Göttingen: Vandenhoeck & Ruprecht 2006: 15–20 [first delivered in the opening session of the 20th Congress of the International Commission of Historical Sciences, Sydney, 3 July 2005], at 16, matter-of-factly held it to be true that “it is essential to describe and interpret relations between peoples along two universal axes: the axis of exchange, involving communication, trade, gifts and alliance, and the axis of power, involving the domination of peoples and resistance to domination. To be sure, there can be coercive aspects to exchange, and conquest is a form of communication; both elements are present in most transactions, but they must still be sorted out.” She thereby excluded perceptions from the agenda of historical research. Likewise André Gunder FRANK: *ReOrienting the 19th Century. Global Economy in the Continuing Asian Age*, edited by Robert A. DENEMARK, Boulder: Paradigm Publications 2014: 100–02, 181–82, 283–84. Andrea KOMLOSY: “André Gunder Frank und die Reorientierung der Weltgeschichte”, *Zeitschrift für Weltgeschichte*, vol. 17, nr 2 (2016), pp. 47–69, at p. 55 [first published as “Vorwort” to, André Gunder FRANK: *ReOrient. Globalwirtschaft im Asiatischen Zeitalter*, Vienna: Promedia 2016]. And in 1996, Heinz-Gerhard Haupt and Jürgen Kocka, then portraying

as an approach traces cross-cultural impacts of concepts and perceptions along a dual carriageway from societal as well as cultural contexts in one part of the world to such contexts in other parts of the world, looks at the modifications these concepts and perceptions undergo during and after their transfers, then scrutinises the return impact of these concepts and perceptions with their modifications and thus solicits the questions of who argued and shared which specific concepts and perceptions of which origin and about which issue when, where and why.³⁰

themselves as avantgarde in innovative methodologies, categorically excluded perceptions from the research agenda of academic history: “Es geht Historikern und Historikerinnen immer [!] um die Erfassung des Wandels der Wirklichkeit in der Zeit.”, HAUPT and KOCKA: “Historischer Vergleich”, HAUPT and KOCKA (eds): *Geschichte und Vergleich*, Frankfurt and New York: Campus 1996: 9–45, at 22. The explicit inclusion of women historians in this sentence seems particularly awkward in the light of the strong attention feminist historians have paid to the reciprocal interactionist study of perceptions from the 1970s. For an early example see Ruth HUBBARD (ed.): *Women Looking at Biology Looking at Women. A Collection of Feminist Critiques*, Boston: Hall 1979. Similarly to Haupt and Kocka still Eckart CONZE: “Jenseits von Männern und Mächten. Geschichte der internationalen Politik als Systemgeschichte”, Hans C. KRAUS and Nicklas THOMAS (eds): *Geschichte der Politik*, Munich: Oldenbourg 2007 (*Historische Zeitschrift*. Beihefte, N. F., vol. 44): 41–64, at 41–43.

- 30 For the methodology of “entangled” and “connected histories” as well as “histoire croisée”, all leaving return impacts out of their scope of research, see Charles BRIGHT and Michael GEYER: “Globalgeschichte und die Einheit der Welt im 20. Jahrhundert”, *Comparativ*, vol. 4, nr 5 (1994): 13–45 [reprinted, Sebastian CONRAD, Andreas ECKERT and Ulrike FREITAG (eds): *Globalgeschichte*, Frankfurt and New York: Campus 2007 (*Globalgeschichte*, 1): 53–79]. Sebastian CONRAD and Andreas ECKERT: “Globalgeschichte, Globalisierung, multiple Modernen. Zur Geschichtsschreibung der modernen Welt”, CONRAD (as above): 7–51. Michel ESPAGNE: “Comparison and Transfer”, Matthias MIDDELL and Lluís ROURA I AULINAS (eds): *Transnational Challenges to National History Writing*, Basingstoke: PalgraveMacmillan 2013: 36–53. Michael GEYER and Charles BRIGHT: “World History in a Global Age”, *American Historical Review* 100 (1995): 1034–60. Bruce MAZLISH and Ralph BUULTJENS (eds): *Conceptualizing Global History*, Boulder: Westview Press 1993. Jürgen OSTERHAMMEL: “Transkulturell vergleichende Geschichtswissenschaft”, in: Heinz-Gerhard HAUPT and Jürgen KOCKA, eds: *Geschichte und Vergleich. Ansätze und Ergebnisse international vergleichender Geschichtsschreibung*, Frankfurt and New York: Campus 1996: 271–313 [reprinted, OSTERHAMMEL: *Geschichtswissenschaft jenseits des Nationalstaats*, Göttingen: Vandenhoeck & Ruprecht 2001: 11–45]. OSTERHAMMEL: “Transferanalyse und Vergleich im Fernverhältnis”, Hartmut KAEUBLE and Jürgen SCHRIEWER (eds): *Vergleich und Transfer. Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften*, Frankfurt and New York: Campus 2003: 439–67. Kiran Klaus PATEL: “Überlegungen zu einer transnationalen Geschichte”, *Zeitschrift für Geschichtswissenschaft* 52 (2004): 626–45 [reprinted, Jürgen OSTERHAMMEL (ed.): *Weltgeschichte*, Stuttgart: Steiner 2008: 67–89]. Johannes PAULMANN: “Internationaler Vergleich und interkultureller Transfer”, *Historische Zeitschrift* 267 (1998): 649–85. Shalini RANDERIA: “Geteilte Geschichte und verwobene Moderne”, Jörn RÜSEN,

Reciprocal interactionism thus takes a step beyond the conventional approaches that are aimed at detecting some nebulous “cognitive prior”, i.e., a politically unspecified, allegedly cultural preparedness for reception. It demands analytical attention to be paid to the political conditions and impacts that concepts and perceptions can trigger and to which they become exposed when they are applied across cultural boundaries and, furthermore, the impacts concepts and perceptions can have when they are returned to the group or culture of their origin. In other words, reciprocal interactionism as an approach to international relations is tied to a methodology that focuses on transformations resulting from the cross-cultural use of concepts and perceptions and covers these concepts and perceptions themselves together with the societal and cultural contexts in which they come to be employed.³¹ The methodology also seeks to determine the political factors that boost or impede the transfer of concepts and perceptions, as, contrary to Mieke Bal’s assumption,³² concepts and perceptions do not “travel” by themselves as

Hanna LEITGEB and Norbert JEGELKA (eds): *Zukunftsentwürfe. Ideen für eine Kultur der Veränderung*, Frankfurt and New York: Campus 1999: 87–96. Sanjay SUBRAHMANYAM: “Connected Histories. Notes towards a Reconfiguration of Early Modern Eurasia”, *Modern Asian Studies* 31 (1997): 735–62. WEITZ: “System” (note 20). Michael WERNER and Bénédicte ZIMMERMANN: “Vergleich, Transfer, Verflechtung. Der Ansatz der Histoire Croisée und die Herausforderung des Transnationalen”, *Geschichte und Gesellschaft* 28 (2002): 607–36. WERNER and ZIMMERMANN: “Penser l’histoire croisée. Entre empirie et réflexivité”, WERNER and ZIMMERMANN (eds): *De la comparaison à l’histoire croisée*, Paris: Seuil 2004 (Le genre humain, 42): 15–49. WERNER and ZIMMERMANN: “Histoire Croisée and the Challenge of Reflexivity”, *History and Theory* 45 (2008): 30–50.

- 31 On the concept of “cognitive prior” see Amitav ACHARYA: “Perspectives on Norm Diffusion”, ACHARYA: *Whose Ideas Matter? Agency and Power in Asian Regionalism*, Ithaca, London and Singapore: Cornell University Press 2009: 9–30. On processes of of the transfer of norms see Martha FINNEMORE and Kathryn SIKKINK: “International Norm Dynamics and Political Change”, Peter J. KATZENSTEIN, Robert Owen KEOHANE and Stephen D. KRASNER (eds): *Exploration and Contestation in the Study of World Politics*, Cambridge, MA: MIT Press 1999: 247–77 [first published, *International Organization* 52 (1998): 887–917]. On the older theory of literary reception see Hans Robert JAUB: *Literaturgeschichte als Provokation*, Frankfurt: Suhrkamp 1970: 186. Hannelore LINK: *Rezeptionsforschung*, Stuttgart: Metzler 1976: 125.
- 32 Edward SAID: “Travelling Theory”, SAID: *The World, the Text and the Critic*, Cambridge, MA: Harvard University Press 1983: 226–47, who, at 226–27, postulated a sequence of four “stages common to the way any theory or idea travels”, first a “point of origin” (= “initial circumstances”), second, the “distance traversed” (= the “passage through the pressure of various contexts”), third, “a set of conditions” (= “of acceptance and ... resistances”), fourth, the “full (or partly) accommodated (or incorporated) idea is to some extent transformed by its new uses.” Mieke [Maria Gertrudis] BAL: *Travelling Concepts in the Humanities. A Rough Guide*, Toronto: University of Toronto Press 2002: 22–55. Doris BACHMANN-MEDICK: “From Hybridity to Translation. Reflections on

seemingly autonomous agents but through human agents and their purposeful actions. By consequence, the transfer of concepts and perceptions can hardly be isolated from the politics setting the goals for these actions. The reciprocal interactionist approach to international relations thus takes into consideration the political processes that shape the reception, and the transformation through the reception, of concepts and perceptions and the societal as well as cultural contexts out of which and into which the transfers occur. As these transfers usually take place in international relations in the long term, their study is part of the agenda of global historiography.³³ The use by the Meiji government of concepts of European provenance, the response by it towards European perceptions of Japan and the impact of that response on

Travelling Concepts”, BACHMANN-MEDICK: *Trans/National* (note 28): 119–36. Note the complete absence of any attention paid in these statements to “ideas” that return to the group or culture of their origin. On the quest for interactionism as sketched above see Dipesh CHAKRABARTY: “Postcoloniality and the Artifice of History”, CHAKRABARTY: *Provincializing Europe. Postcolonial Thought and Historical Difference*, Princeton: Princeton University Press 2000: 27–46 [first published, *Representations* 37 (1992)].

- 33 However, global historiography has, so far, not included reciprocal interactionism into its agenda. For examples of the lack of reference to reciprocal interactionism and to concepts see Jeremy Martin BLACK: *Introduction to Global Military History. 1775 to the Present Day*, Abingdon, Oxon: Routledge 2005. Sebastian CONRAD and Andreas ECKERT: “Globalgeschichte, Globalisierung, multiple Modernen. Zur Geschichtsschreibung der modernen Welt”, CONRAD, ECKERT and Ulrike FREITAG (eds): *Globalgeschichte. Thesen, Ansätze, Themen*, Frankfurt: Campus 2007 (*Globalgeschichte*, 1): 7–51. CONRAD: *Globalgeschichte*, Munich: Beck 2013. Michael GEYER: *Entwicklungen in der Geschichtswissenschaft*, Part 2: Universal, Welt- und Globalgeschichte, Vienna: Verein für Geschichte und Sozialkunde 1998 (Beiträge zur Historischen Sozialkunde, 32). Peter GRAN: *Beyond Eurocentrism. A New View of Modern World History*, Syracuse: Syracuse University Press 1996. Theodor Herman von LAUE: “World History, Cultural Relativism and the Global Future”, Philip POMPER, Richard H. ELPHICK and Richard T. VANN (eds): *World History*, Oxford and Malden, MA: Blackwell 1998: 217–33. Matthias MIDDELL: “World Orders in World Histories before and after World War I”, Sebastian CONRAD and Dominic SACHSENMAIER (eds): *Competing Visions of World Order*, Basingstoke: Palgrave and New York: St Martin’s Press 2007: 97–119. MIDDELL and Katja NAUMANN: “Global History and the Spatial Turn. From Impacts of Area Studies to the Study of Critical Junctures of Globalization”, *Journal of Global History* 5 (2010): 149–70. Jürgen OSTERHAMMEL: “Welten des Kolonialismus im Zeitalter der Aufklärung”, Hans-Jürgen LÜSEBRINK (ed.): *Das Europa der Aufklärung und die aussereuropäische Welt*, Göttingen: Wallstein 2006: 19–36. OSTERHAMMEL: “Globalgeschichte”, Hans-Jürgen GOERTZ (ed.): *Geschichte. Ein Grundkurs*, third edn, Reinbek: Rowohlt 2007: 592–610 [first published, *ibid.* 1998]. Dietmar ROTHERMUND: “Globalgeschichte als Interaktionsgeschichte. Von der Außereuropäischen Geschichte zur Globalgeschichte”, ROTHERMUND, *Aneignung und Selbstbehauptung. Antworten auf die europäische Expansion*, Munich: Oldenbourg 1999: 194–216, who covered interaction but excluded concepts.

political decision-making in Europe shall thus be scrutinized in what follows as a case study of the political impact of the transfer of concepts and perceptions across cultures. Specifically, the transfer of the concept of colonialism across cultural boundaries shall be discussed in conjunction with the impacts this transfer had on the changing shape of perceptions of colonial rule in Europe and Japan.

Conceptualizing Colonial Rule

Katō Hiroyuki and His Response to European Regime Colonialism

Beyond the various facets of settler (“old”) colonialism, targeted at the Americas, the South Pacific and Northeast Asia, and of the colonialism (“new”) of direct as well as indirect rule, regime colonialism is a summary term for all cultural, economic, legal and political instruments used by European and the US governments mainly in their relations with governments in East Asia, to the end of advancing their political clout in and cultural as well as economic impact. Resort to strategies of regime colonialism was meant to avoid using military force beyond measures of small scale and the establishment of some form of rule. Regime colonialism thus combined strategies alternative to wholesale occupation or conquest leaving incumbent governments in office in and control over states that remained recognized sovereigns with full capability of conducting international relations.³⁴ Yet,

34 KLEINSCHMIDT: *Legitimität* (note 24): 16. In postulating that there should have been some “global imperialism” already between 1760 and 1830, Christopher A. BAYLY: “The First Age of Global Imperialism”, *Journal of Imperial and Commonwealth History* 21 (1997): 26–47, conceptually equates imperialism with colonialism, overlooks the emergence of regime colonialism in the early part of the nineteenth century and thereby misses core differences between late eighteenth- and late nineteenth-century European perceptions of colonialism. He also fails to take into account the lack of European government impact on most parts of Africa and Asia beyond Portuguese strongholds, British colonial settlements in the South Pacific from the later eighteenth century and Russian controlled settlement in Northeast Asia prior to the beginning of the nineteenth century. For the unabashed continuity of policies of settler colonialism in the South Pacific well into the nineteenth century see Edward Gibbon WAKEFIELD: *The British Colonization of New Zealand. Being an Account of the Principles, Objects and Plans of the New Zealand Association*, Cambridge: Cambridge University Press 1837. WAKEFIELD: “Letter XIV”, WAKEFIELD: *A View on the Art of Colonization*, London: Parker 1849 [reissue, edited by James Collier, Oxford: Clarendon Press 1914: 79–85, at 82–3: “The normal state of high profits and wages, notwithstanding the utmost importation of capital and people, in colonies, where the proper fruits of enterprize and industry are secured by good government, arises partly from the manner, in which the produce of colonial industry is distributed;

regime colonialism was a variant of colonialism in the respect that it denied the acceptance of the principle of the equality of sovereign states beyond formalities of the making of treaties under international law,³⁵ barred these states off from unconditioned access to the “international legal community” and imposed the demand that treaty partners of European governments should meet certain standards of “civilization” in order to become “admitted” to that “community”.³⁶

partly from the great productiveness of industry in a country, where only the most fertile spots need to be cultivated. In colonies, as compared with old countries, the landlord and the tax-gatherer get but a small share of the produce of industry: the producer, therefore, whether capitalist or labourer, gets a large share; indeed, they get nearly the whole, and this whole, as before observed, is very large in consequence of the great natural fertility of all the cultivated land, or the small cost of production. Both the labourer and the capitalist, therefore, get more than they consume. The labourer saves, and the capitalist saves; capital augments rapidly. But as nearly all the colonists are either capitalists or labourers, who have more than they can consume, the whole colony has more than it can consume. Colonies, therefore, are, may I say, naturally exporting communities; they have a large produce for exportation. Not only have they a large produce for exportation, but that produce is peculiarly suited for exchange with old countries. In consequence of the cheapness of land in colonies, the great majority of the people are owners or occupiers of land in colonies, and their industry is necessarily in a great measure confined to the producing of what comes immediately from the soil, viz. food, and the raw materials of manufactures. In old countries, on the other hand, where the soil is fully occupied and labour abundant, it may be said that manufactured goods are their natural production for export. These are what the colonists do not produce. The colony produces what the old country wants; the old country produces what the colony wants. The old country and the colony, therefore, are, naturally each other's best customers.”; reprints of the original edn, New York: Kelley 1969; Kitchener, Ont.: Batoche 2001]. Similarly Paul LEROY-BEAULIEU: *De la colonisation chez les peuples modernes*, Paris: Guillaumin 1874 [second edn, ibid. 1882: 542–47, 615–16; third edn, ibid. 1886; fourth edn, ibid. 1891; fifth edn, ibid. 1902; sixth edn, Paris: Alcan 1908]. For studies see above, note 19.

35 WHEATON: *Elements*, § 252 (note 5, edn by Boyd, 1889): 356.

36 Georg JELLINEK: “China und das Völkerrecht”, JELLINEK: *Ausgewählte Schriften*, vol. 2, Berlin: Häring 1911: 487–95 [reprint, Aalen: Scientia 1970; first published, *Deutsche Juristen-Zeitung* (1900): 401–04]. For studies see Ian CHONG: *External Intervention and the Politics of State Formation. China, Indonesia and Thailand. 1893–1952*, Cambridge: Cambridge University Press 2012: 46–111. George Williams KEETON (ed.): *The Development of Extraterritoriality in China*, 2 vols, London and New York: Longman 1928 [reprint, New York: Fertig 1969]. LIU Shih-shun: *Extraterritoriality. Its Rise and Decline*, New York: Columbia University Press 1925 (Studies in History, Economics and Public Law, vol. 118, nr 2 = Columbia University Studies in the Social Sciences, 263) [reprint, New York: AMS Press 1969]. David SCOTT: *China and the International System. 1840–1949. Power, Presence and Perceptions in a Century of Humiliation*, Albany, NY: State University of New York Press 2008: 24–32, 70–5, 96–103, 117–27. William Lin TUNG: *China and the Foreign Powers. The Impact of and Reaction to Unequal Treaties*, Dobbs Ferry: Oceana 1970. The diplomatic pressure behind the processes of norm trans-

Initially, the Meiji government, in accordance with its declaration of February 1868, responded to these forms of regime colonialism by beginning to attempt the revision of the existing treaties on the occasion of the German request to renegotiate the Japanese-Prussian treaty of 1861.³⁷ The German side deemed the renegotiation necessary as Prussia had been merged into the North German Confederation in 1866 and requested that the existing treaty should be changed to include the new state name on the German side.³⁸ The

fer is left unconsidered by Günter FRANKENBERG: "Constitutional Transfers and Experiments in the Nineteenth Century", FRANKENBERG (ed.): *Order from Transfer. Comparative Constitutional Design and Legal Cultures*, Cheltenham: Elgar 2013: 279–305.

- 37 Treaty between Japan and Prussia, 24 January 1861, *Treaties and Conventions Concluded Between Empire of Japan and Foreign Nations*, Kokubun Sha 国分社 1874: 186–206; also in Clive PARRY (ed.): *The Consolidated Treaty Series* [= CTS], vol. 123, Dobbs Ferry: Oceana 1977: 448–58.
- 38 For studies on German-Japanese relations during this period see Adolf FREITAG: *Japan und die Japaner im Schrifttum der preußischen Expedition von 1860/62 nach Ostasien*, Deutsche Gesellschaft für Natur- und Völkerkunde Ostasiens 1942 (Mitteilungen der Deutschen Gesellschaft für Natur- und Völkerkunde Ostasiens, 33C) [reprint, New York: Johnson 1965]. Georg KERST: *Die Anfänge der Erschließung Japans im Spiegel der zeitgenössischen Publizistik*, Hamburg: Übersee-Verlag 1953 (Überseeschriften, 2). KERST: "Ursachen der Bestrebungen zur Erschließung Nippons vor hundert Jahren", *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 47 (1960): 48–70. KERST: "Die deutsche Expedition nach Japan und ihre Auswirkungen", *100 Jahre Japan – Deutschland*, Japanisch-Deutsche Gesellschaft 1961: 18–25 [also, *Nippon* (1962): 18–25]. KERST: *Die deutsche Expedition nach Japan und ihre Auswirkungen*, Hamburg: Übersee-Verlag 1962 (Deutsch-japanische Studien, 3). KERST: "Die Bedeutung Bremens für die frühen deutsch-japanischen Beziehungen", *Bremisches Jahrbuch* 50 (1965): 303–23. Ulrike KLEIN: *Deutsche Kriegsgefangene in japanischem Gewahrsam. 1914–1920*. Ph.D. Thesis, typescript, University of Freiburg 1993. Bernd MARTIN: "The Prussian Expedition to the Far East", *Journal of the Siam Society* 78 (1990): 35–43 [reprinted, MARTIN: *Japan and Germany in the Modern World*, Oxford and Providence, RI: Berghahn 1995: 3–16]. MARTIN: "Die preußische Ostasienexpedition nach China. Zur Vorgeschichte des Freundschafts-, Handels- und Schiffsverkehrs vom 2. September 1861", KUO Heng-yü and Mechthild LEUTNER (eds): *Deutsch-chinesische Beziehungen vom 19. Jahrhundert bis zur Gegenwart*, Munich: Minerva 1991 (Berliner China-Studien, 19): 209–40. MARTIN: "Die Öffnung Japans durch den Westen. Annahme und Abwehr der westlichen Herausforderung", Jürgen ELVERT and Michael SALEWSKI (eds): *Staatenbildung in Übersee*, Stuttgart: Steiner 1992 (Historische Mitteilungen, Beiheft 2): 197–220. MARTIN: "Die Preußische Ostasienexpedition und der Vertrag über Freundschaft, Handel und Schifffahrt mit Japan (24. Januar 1861)", Gerhard KREBS (ed.): *Japan und Preußen*, Munich: Iudicium 2002 (Monographien aus dem Deutschen Institut für Japanforschung der Philipp Franz von Siebold-Stiftung, 32): 77–101. Regine MATHIAS-PAUER: "Die Hansestädte und Japan am Vorabend der Meiji-Restauration", PARK Sung-Jo and Rainer KREMPIEN (eds): *Referate des V. Deutschen Japanologentages vom 8. bis 9. April 1981 in Berlin*, Bochum: Brockmeyer 1983 (Berliner Beiträge zur sozial- und wirtschaftswissenschaftlichen Japan-Forschung, 16): 145–51. MATHIAS-PAUER and Erich PAUER

Meiji government accepted the request and succeeded in changing a few stipulations to the effect that the new treaty featured a larger number of reciprocal concessions than the previous agreement of 1861.³⁹ However, the conclusion of the treaty between Japan and the North German Confederation,

(eds): *Die Hansestädte und Japan. 1855–1867*, Marburg: Förderverein Marburger Japan-Reihe 1992 (Marburger Japan-Reihe, 7). Kurt MEISSNER: “Supercargo Fr. A. Lühdorf”, *Nachrichten der Deutschen Gesellschaft für Natur- und Völkerkunde Ostasiens* 54 (1940): 1–6. E. OHRT: “Die preussische Expedition nach Japan. 1860–61”, *Mitteilungen der Deutschen Gesellschaft für Natur- und Völkerkunde Ostasiens* 13 (1911): 199–236. Paul OSTWALD: *Deutschland und Japan*, Berlin: Junker & Dünhaupt 1941 (Beiträge zur Weltpolitik, 1) [second edn, Berlin: Junker & Dünhaupt 1943]. Peter PANTZER and Sven SAALER (eds): *Japanische Impressionen eines kaiserlichen Gesandten. Karl von Eisendecher im Japan der Meiji-Zeit*, Munich: Iudicium and Deutsche Gesellschaft für Natur- und Völkerkunde Ostasiens 2007. Wolfgang PETER: *Die überseeische Stützpunktpolitik der preußisch-deutschen Kriegsmarine. 1859–1883*. Ph.D. Thesis, typescript, University of Freiburg 1975. Michael SALEWSKI: “Die Preussische Expedition nach Japan (1859–1861)”, *Revue internationale d’histoire militaire* 70 (1988): 39–57 [also, SALEWSKI: *Die Deutschen und die See. Studien zur deutschen Marinegeschichte des 19. und 20. Jahrhunderts*, edited by Jürgen ELVERT and Stefan LIPPERT, Stuttgart: Steiner 1998: 54–67]. SALEWSKI: “Die preußische Ostasienpolitik (1859–1862). Motive und Mentalitäten”, Udo ARNOLD, Josef SCHRÖDER and Günther WALZIK (eds): *Aspekte der Geschichte. Festschrift für Peter Gerrit Thielen*, Göttingen and Zurich: Muster-Schmidt 1990 [also, Salewski: *Deutschen* (as above): 68–81]. SALEWSKI: “Die preußische und kaiserliche Marine in den ostasiatischen Gewässern. Das militärische Interesse an Ostasien”, *Tsingtau. Ein Kapitel deutscher Kolonialgeschichte in China 1897–1914. Ausstellung im Deutschen Historischen Museum vom 27. März bis 19. Juli 1998*. [<http://www.dhm.de/ausstellungen/tsingtau/Katalog/auf1.5.htm>]. Ingrid SCHUSTER: *Vorbilder und Zerrbilder. China und Japan im Spiegel der deutschen Literatur. 1773–1890*, Bern, Frankfurt, New York and Paris: Lang 1988 (Schweizer Asiatische Studien, Monographien 6). Bruno SIEMERS: *Japans Eingliederung in den Weltverkehr. 1853–1869*, Berlin: Ebering 1937 (Historische Studien, 316 = Beiträge zur Weltpolitik, 1) [reprint, Vaduz: Kraus 1965]. Christian W. SPANG and Rolf-Harald WIPPICH (eds): *Japanese-German Relations. 1895–1945*, London and New York: RoutledgeCurzon 2006 (Routledge Studies in the Modern History of Asia, 35). Holmer STAHNCKE: *Die diplomatischen Beziehungen zwischen Deutschland und Japan 1854–1868*, Stuttgart: Steiner 1987 (Studien zur modernen Geschichte, 33). STAHNCKE: *Friedrich August Lühdorfs Handelsexpedition nach Japan*, Deutsche Gesellschaft für Natur- und Völkerkunde Ostasiens 1988 (OAG aktuell, 39). Gabriele STUMPP: “Interkulturalität – Sprachgesten, Asymmetrien, Ambivalenzen. Textzeugnisse aus dem Umkreis der preußischen Expedition (1860–1861) nach Japan”, *Zeitschrift für Germanistik* N. F., vol. 3 (2002): 516–22. Frank SUFFA-FRIEDEL: “Die preußische Expedition nach Ostasien”, KUO Heng-yü (ed.): *Berlin und China*, Berlin: Colloquium-Verlag 1987 (Wissenschaft und Stadt. Publikationen der Freien Universität Berlin aus Anlass der 750-Jahr-Feier Berlins, vol. 3): 57–70. YÜ Wen-tang: *Die deutsch-chinesischen Beziehungen von 1860–1880*, Bochum: Brockmeyer 1981 (China-Themen, 5).

39 Treaty between Japan and the North German Confederation, 20 February 1869, *Treaties* (note 37): 474–500; also, *CTS*, vol. 139 (1969): 92–105. The reciprocal stipulations concerned the mutual admission of subjects from both states as visitors.

signed in 1869, proved to be a singular occasion which did not re-occur up until the mid 1890s. Instead, the Meiji government came under pressure to enter, in the very same year 1869, into another unequal treaty, this time with Austria-Hungary that the British emissary in Japan Harry Parkes had negotiated along the conventional lines.⁴⁰ Moreover, the process of revising the existing treaties was protracted due to European and US government reluctance to grant legal equality to Japan. The European and the US sides argued that Japan had not reached the demanded standard of “civilization”. The revision process advanced only from the middle of the 1890s⁴¹ and was

40 Treaty between Austria-Hungary and Japan, 18 October 1869, *Treaties* (note 37): 507–20.

41 Treaty between Japan and the United Kingdom of Great Britain and Ireland, 16 July 1894, in: *CTS*, vol. 180 (1981): 258–72. For studies on British-Japanese relations during this period see ASAKAWA Michio [浅川道夫]: “Anglo-Japanese Military Relations. 1800–1900”, Ian T. M. GOW, HIRAMA Yōichi [平間洋一] and John CHAPMAN (eds): *The History of Anglo-Japanese Relations*, vol. 3: The Military Dimension, Basingstoke: PalgraveMacmillan 2003: 13–34. William Gerald BEASLEY: *Great Britain and the Opening of Japan. 1834–1858*, London: Luzac 1951: 113–93 [reprint, Folkestone: Japan Library 1995]. BEASLEY: *Collected Writings*, Folkestone: Japan Library 2001. CHANG Chung-fu: *The Anglo-Japanese Alliance*, Baltimore, London and Oxford: Johns Hopkins University Press 1931: 112–47. Hugh CORTAZZI: “The First British Legation to Japan (1859–1874)”, *Transactions and Proceedings of the Japan Society of London* 102 (1984): 25–40 [reprinted, CORTAZZI, *Collected Writings*, London and Tokyo: Synapse 2004 (Collected Writings of Modern Western Scholars on Japan, 2): 210–35; also, CORTAZZI (ed.): *British Envoys in Japan. 1859–1962*, Folkestone: Japan Library 2004 (Embassies of Asia Series, 1): 9–21]. CORTAZZI: *Victorians in Japan*, London: Athlone 1987. CORTAZZI and Gordon DANIELS (eds): *Britain and Japan. 1859–1991*, London and New York: Routledge 1991. CORTAZZI: “Sir Harry Parkes. 1828–1885”, Ian Hill NISH (ed.): *Britain and Japan*, vol. 1, Folkestone: Japan Library 1994: 1–19. CORTAZZI: “Sir Rutherford Alcock, the First British Minister to Japan. 1859–1864”, *Transactions of the Asiatic Society of Japan*, 4th Series, vol. 8 (1994): 1–42. CORTAZZI: *The Revision of Japan's Early Commercial Treaties*, London: London School of Economics and Political Science. Suntory and Toyota International Centres for Economics and Related Disciplines 1999. CORTAZZI: *Britain and the 'Re-Opening' of Japan. The Treaty of Yedo of 1858 and the Elgin Mission*, London: Japan Society 2008. Gordon DANIELS: *Sir Harry Parkes. British Representative in Japan. 1865–83*, Richmond, SY: Japan Library 1996. Alfred Lewis Pinneo DENNIS: *The Anglo-Japanese Alliance*, Berkeley: University of California Press 1923 (University of California Publications. International Relations, vol. 1, part 1) [first published, Washington: Carnegie Endowment for Peace 1921; reprint of the edn of 1923, New York: Johnson 1966]. Paul Edward ECKEL: “The Crimean War and Japan”, *Far Eastern Quarterly* 3 (1944): 109–18. Grace Estelle FOX: “The Anglo-Japanese Convention of 1854”, *Pacific Historical Review* 10 (1941): 411–34. FOX: *Great Britain and Japan. 1858–1883*, Oxford: Clarendon Press 1969. Edgar FRANZ: *Philipp Franz von Siebold and Russian Policy and Action on Opening Japan to the West in the Middle of the Nineteenth Century*, Munich: Iudicium 2005: 81–4. Seiji George HISHIDA: *The International Position of Japan as a Great Power*, New York: Columbia University

concluded during the first decade of the twentieth century, when all of the unequal treaties were finally abolished.⁴²

In response to the pressures laid upon it to “advance” “civilization”, the Meiji government enforced a variety of measures relating to domestic policy and aimed at demonstrating its capability to apply European and North American cultural, economic, legal and political norms and practices. I shall not revisit the process of the enforcement of these norms and practices here. Instead, I shall analyze the much neglected formation of the strategy of expansion of Japanese government control beyond the archipelago. I shall review this process against the backdrop of European and US-imposed “civilizing” missions. And I shall scrutinize the ideology argued by Katō Hiroyuki 加藤弘之, a long-time legal advisor to the Meiji government on issues

Press 1905 (Studies in History, Economics and Public Law [Columbia University], 64) [reprint, New York: AMS Press 1968; microfiche edn, Zug: Inter-Dokumentation 1986]. James E. HOARE: “The Era of the Unequal Treaties. 1858–99”, KIBATA Yōichi [木幡洋一] and Ian Hill NISH (eds): *The History of Anglo-Japanese Relations*, vol. 1: The Political-Diplomatic Dimension. 1600–1930, Basingstoke: PalgraveMacmillan 2000: 107–30. INOUE Yuichi [Yūichi] [井上勇一]: “From Unequal Treaty to the Anglo-Japanese Alliance”, *ibid.*: 131–58. KATŌ Yūzō [加藤祐三]: “The Opening of Japan and the Meiji Restoration 1837–72”, *ibid.*: 60–86. John McMASTER: “Alcock and Harris”, *Monumenta Nipponica* 22 (1967): 305–67. William W. McOMIE: *The Opening of Japan. 1853–1855. A Comparative Study of the American, British, Dutch and Russian Naval Expeditions to Compel the Tokugawa Shogunate to Conclude Treaties and Open Ports to Their Ships*, Folkestone: Japan Library 2006: 329–36, 398–405, 424–29. MITANI Hiroshi [三谷博]: *Escape from Impasse. The Decision to Open Japan*, International House of Japan 国際文化会館 2006 (LTCB International Library Selection, 20): 221–34 [enlarged edn, *ibid.* 2008; first published, Tōkyō Daigaku Shuppan Kai 東京大学出版会 2000]. Ian Hill NISH: *The Anglo-Japanese Alliance*, London: Athlone 1966 (University of London Historical Studies, 189) [reprints, Westport, CT: Greenwood 1976; London: Bloomsbury 2012; second edn, London: Athlone 1985]. NISH, David STEEL and Ayako HOTTA-LISTER: *Anglo-Japanese Alliance*, London: London School of Economics and Political Science. Suntory and Toyota International Centres for Economics and Related Disciplines 2002 (The Suntory Centre Discussion Paper, IS/02/432). John J. STEPHAN: “The Crimean War in the Far East”, *Modern Asian Studies* 3 (1969): 257–77. Payson Jackson TREAT: *Japan and the United States. 1853–1921*, Stanford: Stanford University Press 1928 [reprint, New York: Johnson 1970].

42 Treaty between the German Empire and Japan, 24 June 1911, *CTS*, vol. 182 (1981): 383–97; also, *Japan und China* 2 (1911/12): 53–8, 101–02, 150–52.

of constitutional law⁴³ and state governance and eventually Rector of Tokyo Imperial University.⁴⁴

At the latest by the middle of the 1870s, when initial attempts to accomplish the desired quick treaty revision were becoming obstructed,⁴⁵ the Meiji government realized that some European and the US governments used the treaties as instruments of their own great-power politics and that great-power politics was then inseparable from the pursuit of the expansion of colonial rule. The recognition that the treaties had more far-reaching implications than merely generating unequal privileges beneficial for only one treaty party, was water on the mills for advocates of the argument that treaty revision could only be accomplished through the build-up of military strength and economic affluence rather than through trust in the bindingness of legal commitments, the peacefulness of international trade and the quiet pursuit of cultural, economic, legal and political reforms within the state.⁴⁶ To accom-

43 KATŌ Hiroyuki: *Kokutai shinron* 国体新論 (A New Doctrine on the Structure of the State; first published, Kokusan Rō 谷山楼 1874), edited, *Meiji bunka zenshū* 明治文化全集 (Collected Works on Meiji Culture), vol. 5, part 1, third edn, Nihon Hyōron Sha 日本評論社 1967: 109–26.

44 David ABOSCH: *Katō Hiroyuki and the Introduction of German Political Thought in Modern Japan*. Ph.D. Thesis, typescript, University of California at Berkeley 1964. Winston Bradley DAVIS: *The Moral and Political Naturalism of Baron Katō Hiroyuki*, Berkeley: University of California, Center for Japanese Studies 1966 (Institute of East Asian Studies. Japan Research Monograph, 13): 60–92: “Evolution and Politics”. MURAKAMI Jun’ichi [村上淳一]: “Sozialdarwinismus im Japan der Meiji-Zeit”, Hans-Peter MARUTSCHKE (ed.): *Beiträge zur modernen japanischen Rechtsgeschichte*, Berlin: Berliner Wissenschaftsverlag 2006 (Juristische Zeitgeschichte. Section 1, vol. 21): 53–63, at 54–63 on Katō’s theory of the state. TABATA Shinobu 田畑忍: *Katō Hiroyuki* 加藤弘之, Yoshikawa Kōbun Kan 吉川弘文館 1986. YOSHIDA Hiroji 吉田曠二: *Katō Hiroyuki no kenkyū* 加藤弘之の研究 (Research on Katō Hiroyuki), Ōhara Shinsei Sha 大原新生社 1976.

45 These attempts have, contemporarily and subsequently, become closely associated with the Iwakura Mission (1871–1873); see ARIGA Nagao [有賀長雄]: “Diplomacy”, Alfred STEAD (ed): *Japan by the Japanese*, London: Heinemann 1904: 142–218, at 154–57. Ian Hill NISH: *The Iwakura Mission to America and Europe. A New Assessment*, Hoboken: Taylor and Francis 2008. Marlene June MAYO: *The Iwakura Embassy and the Unequal Treaties. 1871–1873*. Ph.D. Thesis, typescript, New York: New York University 1961. However, the Meiji Government successfully implemented its bid for treaty revision already on the occasion of the negotiations of the agreement with the North German Confederation; this treaty included revisions against the previous Japanese-Prussian treaty of 1861 with regard to travel; see Treaty Japan – North German Confederation, 20 February 1869, *Treaties* (note 37): 474–500; auch, *CTS*, vol. 139 (1969): 92–105. For details see KLEINSCHMIDT: *Legitimität* (note 24): 276–79.

46 For reference see Eddy DUFOURMONT: “Nakae Chōmin a-t-il pu être à la fois adepte de Rousseau et un matérialiste athée?”, *Ebisu* 45 (2011): 5–25. IRIYE [IRIE] Akira [入江昭]:

plish the goal of increasing the war-making potential, a group of reformers agreed in 1873 that fundamental changes ought to be undertaken in order to render Japanese culture, politics and society compatible with what appeared to be the standard of European “civilization”.⁴⁷ Katō was a member of this group and joined in the demand that patterns of Western culture should immediately be transferred into Japan to strengthen the state and advance Japan to great-power status.⁴⁸

The domestic reforms seen as required to accomplish these goals were thus accompanied by strategies for the expansion of Japanese government control beyond the archipelago in an effort to demonstrate military strength through victory in wars. The wars were to be targeted at states in the vicinity of Japan. Katō became an enthusiast in support not only of providing for some ‘organic’ unity between the ruler and the ruled,⁴⁹ but also of expan-

Pacific Estrangement. Japanese and American Expansion. 1897–1911, Cambridge, MA: Harvard University Press 1972 (Harvard Studies in American-East Asian Relations, 2): 23–5. TAKENAKA Toru [Tōru] [竹中亨]: “The Domestication of Universal History in Meiji Japan. Fukuzawa Yukichi and Nakae Chōmin”, *Saeculum* 63 (2013): 119–42. YAMADA Hiroo 山田博雄: *Nakae Chōmin. Honyaku no shisō* 中江兆民. 翻訳の思想 (Nakae Chōmin. The Idea of Translation), Keiō Gijuku Daigaku Shuppan Kai 慶應義塾大学出版会 2009.

- 47 *Meiroku zasshi* 明六雑誌 (The Journal of the Year Meiji 6, 1874–1875), reprint in 3 vols, Iwanami Shoten 岩波書店 1999–2009. For a study see KONO Yūri 河野有理: *Meiroku zasshi no seiji shisō* 明六雑誌の政治思想 (The Political Thought of the Journal of the Year Meiji 6), Tōkyō Daigaku Shuppan Kai 東京大学出版会 2011.
- 48 On the so-called modernization policy see David Ernest APTER: *The Politics of Modernization*, Chicago: University of Chicago Press 1965. Robert E. WARD and Dankwart A. RUSTOW (eds): *Political Modernization in Japan and Turkey*, Princeton: Princeton University Press 1964. For a critical assessment of the theoretical foundations of this approach see Michael E. LATHAM: *Modernization as Ideology. American Social Science and “Nation Building” in the Kennedy Era*, Chapel Hill: University of North Carolina Press 2000: 21–67. Hans-Ulrich WEHLER: *Modernisierungstheorie und Geschichte*, Göttingen: Vandenhoeck & Ruprecht 1975.
- 49 KATŌ: *Kokutai* (note 43): 116–17. The title of this work was modeled upon the essay *Shinron* 新論 (New Doctrine) by Aizawa Seishisai 会沢正志斎 [edited by IMAI Usaburō 今井宇三郎, SEYA Yoshihiko 瀬谷義彦 and BITŌ Masahide 尾藤正英, *Nihon shisō taikei* 日本思想大系, vol. 53: Mitogaku 水戸學, Iwanami Shoten 岩波書店 1973: 49–158; translated by Volker STANZEL: *Japan, Haupt der Erde. Die ‘Neuen Erörterungen’ des japanischen Philosophen und Theoretikers der Politik Seishisai Aizawa aus dem Jahre 1825*, Würzburg: Königshausen & Neumann 1982: 135–341; and by Bob Tadashi WAKABAYASHI: *Anti-Foreignism and Western Learning in Early-Modern Japan. The New Theses of 1825*, Cambridge, MA: Harvard University, Council on East Asian Studies 1986 (Harvard East Asian Monographs, 126): 147–277], which had appeared fifty years earlier, in 1825. For recent studies on *kokutai* see Reinhard ZÖLLNER: “Lorenz von Stein und kokutai”, *Oriens extremus* 33 (1990): 65–76. ZÖLLNER: “‘Appreciating

sionist strategies. In 1893, Katō took the bold step of writing and publishing in German a monograph in which he argued that there was a global ‘struggle for the right of the stronger’.⁵⁰ The monograph appeared first in Tokyo and in the following year 1894 also in Berlin. It is not clear why Katō wrote the text in German, as he could hardly have expected to be able to attract a wide readership in Germany with Social Darwinist arguments that were all too familiar for a German audience.⁵¹ Rather, it seems that he wanted to impress on his contemporaries in Japan the fact that he was sufficiently familiar with German and Germany to be able to write what he gave out as an academic treatment of his topic. Katō, who had since 1873 favored the use of German models for the reforms in Japan, seems thus to have wanted to expose an audience in Japan to the ideological connections between domestic political reform measures and expansionist foreign-policy strategies.

For his book, Katō mainly used legal and social theory published in the German language, namely by Rudolf von Jhering,⁵² Ludwig Gumplowicz,⁵³ Johann Caspar Bluntschli⁵⁴ and Albert Schäffle,⁵⁵ while also referring to German versions of works by sociologist Herbert Spencer⁵⁶ and anthropologist Edward Tylor.⁵⁷ He organized his argument into twelve chapters, ten of which dealt with the domestic conditions of what he described as the ‘or-

Critic’. Lorenz von Steins Japan-Korrespondenz. Auswahl und Kommentar”, *Nachrichten der Gesellschaft für Natur- und Völkerkunde Ostasiens* 147/148 (1990): 9–74. ZÖLLNER: “Lorenz von Stein und Japan”, Albert von MUTIUS (ed.): *Lorenz von Stein. 1890–1990*, Heidelberg: v. Decker 1992 (Schriftenreihe des Lorenz-von-Stein-Instituts für Verwaltungswissenschaften Kiel, 15): 29–40.

50 KATŌ Hiroyuki: *Der Kampf ums Recht des Stärkeren und seine Entwicklung*, Tōkyō: the author 1893 [another edn, Berlin: Friedländer 1894].

51 For a recent survey see Mike HAWKINS: *Social Darwinism in European and American Thought. 1860–1945*, Cambridge: Cambridge University Press 1997: 61–149.

52 Rudolf von JHERING: *Der Zweck im Recht*, 2 vols, Leipzig: Breitkopf & Härtel 1877–83.

53 Ludwig GUMPLOWICZ: *Der Rassenkampf*, Innsbruck: Wagner 1883. GUMPLOWICZ: *Grundriß der Sociologie*, Vienna: Manz 1885. GUMPLOWICZ: *Philosophisches Staatsrecht*, Vienna: Manz 1877.

54 Johann Caspar BLUNTSCHLI: *Das moderne Völkerrecht der civilisierten Staaten*, Nördlingen: Beck 1868. BLUNTSCHLI: *Lehre vom modernen Staat*, Stuttgart: Cotta 1875.

55 Albert Eberhard Friedrich SCHÄFFLE: *Bau und Leben des socialen Körpers*, 4 vols, Tübingen: Laupp 1875–78.

56 Herbert SPENCER: *Die Thaten der Ethik*, Stuttgart: Schweizerbart 1879 [first published s.t. *The Data of Ethics*, London and Edinburgh: William & Norgate; Cambridge: Cambridge University Press; New York: Hurst; Chicago: Rand McNally 1879].

57 Edward Burnett TYLOR: *Die Anfänge der Cultur*, Leipzig: Winter 1873 [first published s.t.: *Primitive Culture*, London: Murray 1871].

ganic' unity between the ruler and the ruled, and devoted only the last material chapter before the concluding summary to aspects of foreign policy. In this chapter, Katō traced across the ages the 'evolution' of what he took to be 'the right of the stronger'. Without explicit reference to Thomas Hobbes's *Leviathan*, Katō assumed that the states of the world were, with regard to the relations among themselves, in the state of nature, asked, under which condition international law could have arisen in Europe and classed international law as the instrument allowing the progress out of the state of nature. Based on his starting point that international law was of European origin and had secondarily become globalized, Katō replied to his question with reference to Gumpłowicz. In Katō's reading, Gumpłowicz had argued that states in Europe had not become subjected to the rules of international law solely in consequence of the effects of some altruistic motives. Instead, he believed, the subjection of states to international law had, like all other results of perceived progress, been the consequence of the exercise of the 'right of the stronger'. This result, Katō thought, could only have been achieved because a system of states with equal strength had evolved, with the consequence that no government of any single state could have conceived plans for the conquest of another state. Therefore, Katō concluded, the governments of these states had through their own self-interest pursued policies of peacefully regulating intercourse among themselves.⁵⁸ International law, Katō opined, was unsuitable as a means of regulating the conduct of war, but nevertheless resulted from the egotism of states whose governments had agreed to pursue their self-interest peacefully.⁵⁹ In short, Katō's notion of the 'right of the stronger' lent expression to the view that states should be entitled to pursue their legitimate self-interest and that such pursuit was reconcilable with the quest for the preservation of peace.

Katō then took the argument a step further and differentiated between states that he wished to categorize as 'strong' and those that appeared to be 'weak' in his view. He ascribed "civilization" to the 'strong' states and their populations, while classing the 'weak' states and their populations as 'uncivilized'. He measured 'strength' and 'weakness' as well as "civilization" and lack of "civilization" of states and population groups in terms of political clout and military capability, thereby linking himself to the contemporary

58 KATŌ: *Kampf* (note 50): 177. Referring to Oswald KÖHLER: *Der Egoismus und die Civilisation*, Stuttgart: Dietz 1883: 43. Similar arguments are in Georg JELLINEK: *System der subjektiven öffentlichen Rechte*, Freiburg: Mohr 1892: 298, 300.

59 KATŌ: *Kampf* (note 50): 179–80.

jargon of European and North American diplomats, military organizers and theorists of international law.⁶⁰ In Katō's world view, governments of 'strong' states would use diplomatic pressure and military force to coerce 'weak' states and impose upon them the 'right of the stronger'. Katō argued that these patterns of the conduct of international relations were in line with international law, which he ranked as the instrument regulating the relations between 'strong' and 'weak' states as long as the 'state of nature' prevailed among states in the international arena. According to Katō, the 'state of nature' allowed states, seemingly like all other natural organisms, not only the use of measures of self-preservation but also of opportunities to grow. If the use of these measures and opportunities was disadvantageous for 'weak' states, this was neither an unlawful nor an immoral consequence of the imposition of the 'right of the stronger' but merely an inevitable effect of conditions in the state of nature. In this way, Katō noted, European states had accomplished the growth of their 'strength' at the expense of 'weak' states and had occupied as much land as they had been able to grab. The history of "civilization" was, to Katō, a struggle for survival to the disadvantage of the 'weak' and 'uncivilized' states and their populations.⁶¹ Katō, like some of his contemporaries,⁶² thus underwrote the creeds enshrined in his Social Darwinist reference literature.

Katō predicted that, as a consequence of the expansion of European states, the 'uncivilized' states would be 'devoured', and added his conviction that this outcome would be of service to humankind. This, he argued, was to be the case because, through the growth in intensity of 'world intercourse' (*Weltverkehr*), some kind of societal mechanism would arise among 'strong'

60 Franz von HOLTZENDORFF: "Staaten mit unvollkommener Souveränität", HOLTZENDORFF (ed.): *Handbuch des Völkerrechts auf Grundlage europäischer Staatenpraxis*, vol. 2, Hamburg: Verlags-Anstalt 1887: 98–117. Charles Edward CALLWELL: *Small Wars*, Lincoln, NE: University of Nebraska Press 1996: 21–6 [first published, London: HMSO 1896]. For further references see above, note 11.

61 KATŌ: *Kampf* (note 50): 180–81.

62 TOKUTOMI Sohō 徳富蘇峰: *Dai Nihon bōchō ron* 大日本膨張論 (Treatise on the Expansion of Greater Japan), Minyū Sha 民友社 1894: 1–2, who argued in favor of migration as an instrument of the expansion of Japanese rule towards continental East Asia at the time of the Sino-Japanese War. On Tokutomi see William Gerald BEASLEY: *Japanese Imperialism. 1894–1945*, Oxford: Clarendon Press 1987: 31–2. IRIE: *Estrangement* (note 46): 38–9, 43–6. NITOBÉ Inazō 新渡戸稲造: "Shokumin seisaku" 植民政策 (Colonial Policy), *Nitobe Inazō zenshū* 新渡戸稲造全集 (Collected Works), vol. 4, edited by YANAIHARA Tadao 矢内原忠雄, Kyōbun Kan 教文館 1969: 5–389, at 165–67, like Katō, defined colonialism as the power of the nation.

states, this mechanism would establish international organizations and then govern international relations through legal and moral norms.⁶³ Katō also disclosed his awareness that these processes of the making and aggrandizement of ‘strong’ states would impose a heavy burden and much suffering upon ‘weak’ states, while portraying these processes as going on with brutal inevitability.⁶⁴ The expansion of European states was, in Katō’s view, incompatible with the morality of Christianity and, in his judgment, more evil than the behavior of predators.⁶⁵ Explicitly, he ranked the European expansionist states as the cruelest and most dangerous predators the world had ever experienced, as their governments appeared not to have any sense of the damages they were inflicting upon population groups in the ‘weak’ states under their sway. Katō thus did nothing to justify colonial rule but nevertheless insisted that expansion was neither unlawful nor immoral but simply ‘natural’. As the European states were expanding at the expense of ‘weak’ states, while establishing international organizations to regulate their intercourse, they appeared to Katō to be on their way out of the ‘state of nature’ and to develop that very unifying societal mechanism out of which a world state would emerge in the future.⁶⁶

Katō did not envision the future world state as comprising the entire globe but wished to include into it only ‘strong’ states. In this respect, his vision of the world state was in line with that argued by contemporary European and North American theorists of international law who were portraying the “international legal community as a club shaped by restrictive access rules. Katō included into the “international legal community” the European great powers, China and Japan and ascribed to with members of the “community” the features of “civilization” and ‘masculinity’. The allegedly “civilized”, ‘masculine’ and thereby ‘strong’ states, so Katō analyzed, were taking possession of the world and then dividing it among themselves in the form of colonial dependencies. In the future world state, morality and law would grow stronger, but the world state would not arise from some common desire for peace among the ‘strong’ states but from their rigorous pursuit of

63 Katō anticipated the arguments of the international peace movement of the early twentieth century. See Walther Max Adrian SCHÜCKING: “Die Organisation der Welt”, Wilhelm van CALKER (ed.): *Staatsrechtliche Abhandlungen. Festgabe für Paul Laband*, vol. 1, Tübingen: Mohr 1908: 533–614.

64 KATŌ: *Kampf* (note 50): 181–86.

65 Ibid.: 182, used the example of the expansion of European rule onto Burma, Annam and Korea.

66 Ibid.: 186–88.

self-interest. Rule by the ‘strong’ states over the colonial dependencies, into which the ‘weak’ states were to be assembled, was not to be regulated in terms of international law, Katō observed in accordance with contemporary international legal theorists,⁶⁷ but was to be controlled under state law. He admitted that he was unclear about the path by which the future world state would emerge, but committed himself to the optimistic assessment that governments of the involved “civilized” states would be wise enough to set it up.

Katō’s program of colonial rule of 1893 breathed the European biologicistic creeds of the second half of the nineteenth century that modeled the state on the living body, likened the state to an organism and classed it as a quasi-personal actor.⁶⁸ It also reflected the mindset of propagandists of colonial expansion such as Frederick Lugard⁶⁹ and Carl Peters.⁷⁰ Like them, Katō posited colonial rule as something ‘natural’ whereby, like these propagandists, he used ‘nature’ as a paradigm for justifying the claimed inevitability of colonial rule, and placed this justificatory paradigm above the law and morality. The world state he postulated for the future was, in his mind, an assembly of states placed under international law but would not be in charge of regulating colonial affairs. Yet international law, in Katō’s making, could only fulfill the task of subjecting states to its rule, when and as long as the world state existed as the “international legal community” with its restrictive access rules. Katō’s world state would thus be hierarchically structured with the ‘strong’, ‘masculine’ and ‘civilized’ states leading it and the ‘weak’, ‘feminine’ and ‘uncivilized’ states being equivalent to some form of proletariat seemingly doomed to face eventual destruction. As Katō rendered colonial rule ‘natural’, it could, in his mind, be unlawful and immoral as long as it was contributing to the alleged perfectioning of humankind through the expansion of ‘strong’ states. As Katō ranked Japan among the ‘strong’ states, he postulated for Japan some right to have colonial dependencies.

67 For references see above, notes 17 and 18.

68 Albert Theodor van KRIEKEN: *Über die sogenannten organischen Staatstheorien*, Leipzig: Duncker & Humblot 1873: 79–84, 123, 130–32. SCHÄFFLE: *Bau* (note 55).

69 Frederick John Dealtry LUGARD: *The Rise of Our East African Empire*, Edinburgh: Blackwood 1893 [reprints, London: Cass 1968; Hoboken: Taylor & Francis 2013].

70 Carl Friedrich Hubert PETERS: *Deutsch-National. Kolonialpolitische Aufsätze*, Berlin: Walther & Apolant 1887: 5.

Katō's program of colonial rule articulated two aspects of the foreign policy of the Mid-Meiji period, first, the effort to accomplish equality with the great powers, and second, the consociation of great-power status with colonial rule. Only the revision of the treaties that the government of Japan had had to sign between 1854 and 1869 would allow the restoration of Japan to its status of full legal equality as a sovereign state. This goal had been reiterated again and again since 1868. Katō thus did not even have to mention it explicitly. But through his theory of the 'right of the stronger', he fused the demand for treaty revision with the quest for great-power status, manifest in colonial rule, and thereby added political pressure in access to what was already being exercised domestically upon the Meiji government during the 1890s. For, despite major cultural, economic, legal and political reforms having been implemented during the 1870s and 1880s, the old treaties continued to be in force.

European legal philosophers took the same position claiming that the allegedly 'savage freedom' of 'barbarians' should 'become subject to ordered rule' and that such practice was 'as little illegal as it was in the sphere of private law to put under guardianship a wholly or partly insane person'. This perspective classed purported 'savages' as deviants. Bonn legal philosopher Ferdinand Walter concluded that areas, in which so-called 'nomadic' 'savages' were living, could be occupied legally. This, he thought, could be so because 'occupation of savage nations, which do not acknowledge a community of states, is not an infringement of international law'.⁷¹ Members of the "international legal community" seemed to form a 'family of culture',⁷² appeared to act on some form of 'world stage'⁷³ and to determine the fates of the allegedly "lower races" wherever in the world,⁷⁴ purportedly for the

71 Ferdinand WALTER: *Naturrecht und Politik im Lichte der Gegenwart*, § 467, second edn, Bonn: Marcus 1871: 361 [first published, *ibid.* 1863].

72 Hans DELBRÜCK: "Deutschlands Stellung in der Weltpolitik", DELBRÜCK: *Vor und nach dem Weltkrieg*, Berlin: Stollberg 1926 (Delbrück, Politische und historische Aufsätze, vol. 4: 1902–25): 9–17, at 13.

73 Ernst Immanuel BEKKER: *Das Recht als Menschenwerk und seine Grundlagen*, Heidelberg: Winter 1912 (Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Philos.-Hist. Kl. 1912, nr 8): 8.

74 Charles Wentworth DILKE: *Greater Britain. A Record of Travel in English-Speaking Countries during 1866 and 1867*, vol. 2, London: Macmillan and Cambridge: Cambridge University Press 1868: 405–07 [reprint, Cambridge: Cambridge University Press 2009]. John Atkinson HOBSON: *Imperialism*, Edinburgh and London: Ballantine, Hanson & Co. 1902: 204–05, 208 [second edn, London: Constable 1905; third edn, London: Allen &

sake of preserving peace. Nineteenth-century theorists thus licensed the subjection to the control of American and European states of groups that they were not willing to recognise as “civilized”. At the turn of the twentieth century, this argument found wide reception even among liberal imperialists in Japan. For one, Ukita Kazutami 浮田和民 declared what he termed the absorption of barbarous countries or lands of anarchy to be not immoral at all and propagated some ‘ethical imperialism’ 論理的帝国主義 (*ronriteki teikoku shugi*) as a means of promoting “civilisation” 文明 (*bunmei*).⁷⁵

The second aspect related to demands for colonial expansion that had been articulated in Japan since the 1850s,⁷⁶ but which the government had

Unwin 1938; 1948; 1954; 1968; 1988; reprints, Ann Arbor: University of Michigan Press 1965; New York: Gordon Press 1975].

- 75 UKITA Kazutami: *Teikoku shugi to kyōiku* 帝国主義と教育 (Imperialism and Education), Minyū Sha 民友社 1901. UKITA: “Teikoku shugi no risō” 帝国主義の理想 (The Logic of Imperialism), nr 8, *Kokumin shinbun* 国民新聞 (The Nation’s Newspaper) (21 January 1902). UKITA: “Taiyō no dokusha ni tsugu 太陽の読者に告ぐ”, *Taiyō* 太陽 (The Sun), vol. 15, nr 2 (February 1909): 1–2, at 2. For a study see HAN Jung-Sun N.: *An Imperial Path to Modernity. Yoshino Sakuzō and a New Liberal Order in East Asia. 1905–1937*, Cambridge, MA, and London: Harvard University Press 2012: 44–6.
- 76 For older proposals related to Korea see YOSHIDA Shōin 吉田松陰: *Yūshū roku* 幽囚録 (Record of Self-Imprisonment, 1854–56), *Yoshida Shōin zenshū* 吉田松陰全集 (Collected Works), vol. 1, Iwanami Shoten 岩波書店 1936: 596 [new edn of the Collected Works, vol. 2, Daiwa Shobō 大和書房 1973; 2012: 37–91]. For a similar proposal suggested at the same time by HASHIMOTO Sanai 橋本佐内 see KUROITA Katsumi 黒板勝美: *Kokushi kenkyū nenpyō* 国史研究年表 (Chronological Tables of Research on National History), vol. 2, Iwanami Shoten 1936: 539. SATŌ Nobuhiro 佐藤信淵 had demanded already in 1824 to subject Korea to Japanese rule. See KUNO Yoshi Saburo [Saburō]: *Japanese Expansion on the Asiatic Continent*, vol. 2, Berkeley: University of California Press 1940: 351–58 [reprints, Port Washington: Kennikat Press 1967; Seoul: Kyōngin Munhwasa 2007]. MIWA Kimitada [三輪公忠]: “Colonial Theories and Practices in Prewar Japan”, John F. HOWES (ed.): *Nitobe Inazō. Japan’s Bridge across the Pacific*, Boulder: Westview Press 1995: 159–75, at 160, 166–69 [first published (Sophia University, Institute of International Relations. Research Papers, Series A, vol. 50), Sophia University 1987]. On the position of Korea see Lionel BABICZ: *Le Japon face à la Corée à l’ère Meiji*, Paris: Maisonneuve & Larose 2002. Marc CAPRIO: *Japanese Assimilation Policies in Korea. 1910–1945*, Seattle: University of Washington Press 2009. FUJITANI Takashi: *Race for Empire. Koreans as Japanese and Japanese as Americans during World War II*, Berkeley: University of California Press 2011 (*Asia Pacific Modern*, 7): 35–123. KIM Key-Hiuk: *The Last Phase of the East Asian World Order. Korea, Japan and the Chinese Empire. 1860–1882*, Berkeley and Los Angeles: University of California Press 1980: 4–25. YOSHIKAWA Lisa [Yosikawa Risa]: *Kuroita Katsumi and His State. Sanctioned National History. 1896–1937. Narrating Absolute Imperial Sovereignty and Japan’s Civilizing Mission in Asia as History*. Ph.D. Thesis, typescript, New Haven: Yale University 2007: 199–253. YOSHIKAWA: *Making History Matter. Kuroita Katsumi and the Construction of Imperial Japan* (Cambridge, MA: Harvard University Asia Center 2017 (Harvard East Asian Mono-

then not taken up. In 1893, Katō was setting the standard for how, in his view, the government was now obliged to proceed. In essence, he formulated the war aims anticipating the Sino-Japanese War of 1894/95. The war thus has to be placed into a broader context, not merely, as has been suggested, under the goal of making manifest Japanese influence in Korea.⁷⁷ Instead, Katō pronounced the use of military force to acquire great-power status on the globe at large as the paramount war aim and to do so by way of establishing the Japanese government as an institution of colonial rule. In Katō's argument, the collective experience of the discrimination Japan had suffered from governments in Europe and the USA, did not stand against the Japanese bid for colonial rule but the former conditioned the latter. Katō's reception of the European concept of colonialism was neither partial nor the product of a misunderstanding, as has been argued,⁷⁸ but the result of a purposeful transfer in pursuit of the bid for great-power status.

However, the Meiji government did not take over Katō's program of colonial expansion as a whole, but deviated from it in two major points. The first point concerned terminology. Whereas Katō did not shy away from using words characteristic of European imperialist great-power ideology, the Meiji government carefully avoided the use of imperialist diction in its official statements. The second point referred to the concretization of colonial administration, as it became implemented⁷⁹ after the conclusion of the Si-

graphs, 402): 199–250. On Taiwan 1874 see Robert ESKILDSEN: "Of Civilization and Savages. The Mimetic Imperialism of Japan's 1874 Expedition to Taiwan", *American Historical Review* 107 (2002): 388–418.

77 ZACHMANN: *Völkerrechtsdenken* (note 5): 72–3, based on MUTSU Munemitsu: *Kenken-roku. A Diplomatic Record of the Sino-Japanese War. 1894–95* 蹇蹇錄 [1895], Princeton: Princeton University Press and Tokyo: Japan Foundation 1982: 28 [first published, Iwanami Shoten 岩波書店 1929; further edn, ibid. 1983]. UCHIMURA Kanzō 内村鑑三: "Justification for the Korean War [1895]", *Uchimura Kanzō zenshū* 内村鑑三全集 (Collected Works, vol. 3), Iwanami Shoten 1981: 42–5.

78 Peter DUUS: "Shokuminchi naki teikoku shugi 植民地なき帝国主義 (Colonialism without Imperialism)", *Shisō* 思想 (Thought) 814 (1992): 105–21. Reinhard ZÖLLNER: "Ein ostasiatischer Holocaust? Japans Aggression in China (1931–1945)", Thoralf KLEIN (ed.): *Kolonialkriege. Militärische Gewalt im Zeichen des Imperialismus*, Hamburg: Hamburger Edition 2006: 291–328, at 327. For criticisms of this view see Martin DUSINBERRE: "Janus and the Japanese Empire [Review Article]", *Journal of Colonialism and Colonial History*, vol. 14, nr 1 (2013), s.p. [http://muse.jhu.edu/journals/journal_of_colonialism_and_colonial_history/v014/14.1/dusinberre.html]. ESKILDSEN: "Civilization" (note 76): 417.

79 On the colonial administration see the contemporary analysis by colonial advocate Alfred STEAD: "Scientific Colonization", STEAD: *Great Japan. A Study of National Efficiency*, London and New York: Lane 1906: 407–26, who praised the Japanese colonial admini-

no-Japanese War in 1895.⁸⁰ While Katō was ready to write off the states he ranked as ‘weak’ and ‘uncivilized’, the Meiji government raised the advancement of “civilization” to the main goal of its own program for the implementation of colonial rule with specific concern for Taiwan, which had

stration of Taiwan as a model of efficiency. For recent critical studies see Caroline Hui-Yu CAI [Ts'ai]: “Shaping Administration in Colonial Taiwan”, LIAO Ping-hui and WANG David Der-Wei (eds): *Taiwan under Japanese Colonial Rule*, New York: Columbia University Press 2006: 97–121. CAI: *Taiwan in Japan's Empire Building*, London and New York: RoutledgeCurzon 2009: 13–30 [another edn, *ibid.* 2011]. CHANG Han-yu and Ramon Hawley MYERS: “Japanese Colonial Development Policy in Taiwan, 1895–1906”, *Journal of Asian Studies* 22 (1963): 443–49. Edward I-te CHEN: *Japanese Colonialism in Korea and Formosa*. Ph.D. Thesis, typescript, Philadelphia: University of Pennsylvania 1968: 71–90. CHEN: “Japanese Colonialism in Korea and Formosa”, *Harvard Journal of Asiatic Studies* 30 (1970): 126–58. CHEN: “Japan's Decision to Annex Taiwan. A Study of Ito-Mutsu Diplomacy, 1894–95”, *Journal of Asian Studies* 37 (1977): 61–72. Leo T. S. CHING: *Becoming Japanese. The Politics of Identity Formation in Colonial Taiwan*, Berkeley: University of California Press 2001: 15–50, 133–73. Sebastian CONRAD: “Die Zivilisierung des ‘Selbst’. Japans koloniale Moderne”, Boris BARTH and Jürgen OSTERHAMMEL (eds): *Zivilisierungsmissionen*, Constance: UVK 2005 (Historische Kulturwissenschaft, 6): 245–68, at 253–56. KA Chih-ming: *Japanese Colonialism in Taiwan*, Boulder: Westview Press 1995. KOMAGOME Takeshi 駒込武: *Shokuminchi teikoku Nihon no bunka tōgō* 植民地帝国日本の文化統合 (The Unification of Culture of the Colonialism of Imperial Japan), Iwanami Shoten 岩波書店 1996: 33–42. KOMAGOME: *Sekaishi no naka no Taiwan shokuminchi shihai* 世界史のなかの台湾植民地支配 (Colonial Rule over Taiwan in the Context of World History), Iwanami Shoten 2015: 41–84. Ramon Hawley MYERS: “Taiwan as an Imperial Colony of Japan, 1895–1945”, *Journal of the Institute of Chinese Studies* 6 (1973): 425–51. Mark R. PEATTIE: “Japanese Attitudes toward Colonialism”, Ramon Hawley MYERS and PEATTIE (eds): *The Japanese Colonial Empire, 1895–1945*, Princeton: Princeton University Press 1984: 80–127, at 83–5. PEATTIE: “The Japanese Colonial Empire, 1895–1945”, Peter DUUS (ed.): *The Cambridge History of Japan*, Cambridge: Cambridge University Press 1988: 217–70, at 230, 239. Robert Thomas TIERNEY: “From Framing Savages to Going Native. Self and Other on the Taiwan Aboriginal Frontier”, TIERNEY: *Tropics of Savagery. The Culture of Japanese Empire in Comparative Frame*, Berkeley and Los Angeles: University of California Press 2010 (Asia Pacific Modern, 5): 38–77. Timothy Y. TSU: “Colonialism and the Investigation of Taiwanese ‘Old Customs’”, Jan van BREMEN (ed.): *Anthropology and Colonialism in Asia and Oceania*, Richmond: Curzon 1998: 197–218. YANAIHARA Tadao: *Teikoku shugi ka no Taiwan* 帝国主義下の台湾 (Taiwan under Imperialism), Iwanami Shoten 1927 [further edns, *ibid.* 1929; 1956; 1964; 1988].

80 Peace treaty of Shimonoseki 下関 between China and Japan of 17 April 1895, Art. I, *CTS*, vol. 181 (1981): 217. For this treaty see: CONRAD: “Zivilisierung” (note 79): 257–60, 264–65. KIM: *Phase* (note 76): 154–203. MIWA: “Theories” (note 76): 165–66. ŌNUMA Yasuaki [大沼保昭]: “Self-Determination and the Right of Self-Determination”, Jörg FISCH (ed.): *Die Verteilung der Welt. Selbstbestimmung und Selbstbestimmungsrecht der Völker*, Munich: Oldenbourg 2011 (Schriften des Historischen Kollegs, Kolloquien 79): 23–37, at 27–8.

been placed under Japanese rule in 1895. That the Meiji government took these steps against Katō's theoretical advice, was the result of the reception into government policy of thought patterns of Pan-Asianism.

Pan-Asianism versus Imperialism – Pan-Asianism and Colonialism

As an ideology of anti-colonial resistance, Pan-Asianism stood against strategies towards the expansion of rule beyond Japan. Thus when, for one, Pan-Asianist journalist and historian Takekoshi Yosaburō 竹越興三郎 completed his analysis of Japan's expansion policy in spring 1914, he concluded with the statement that Japan was not in need of colonies. In other words, shortly before the beginning of World War I, which featured the Japanese occupation of German colonial dependencies in China and the South Pacific north of the Equator, Pan-Asianism was an ideology manifestly positioned in opposition against Japanese colonial rule.⁸¹ Even Nitobe Inazō, who had been involved in the colonial administration of Taiwan during the Meiji Period, categorized, in retrospect after World War I, the history of colonialism exclusively as the history of national egotism of the European great powers.⁸² From the point of view of Pan-Asianists, the Japanese government was to pursue the declared goal of unifying Asia through the removal of European colonial control.⁸³ According to Pan-Asianist demands, Japan

81 TAKEKOSHI Yosaburō: "Japan's Colonial Policy", MASAOKA Naoichi (ed.): *Japan to America*, New York: Putnam 1915: 95–99, at 97–8 [first published, New York and London: Putnam 1914]. MIWA: "Theories" (note 76): 165–66.

82 NITOBÉ Inazō: "Japanese Colonization", *Asiatic Review*, Fourth Series, vol. 16 (1920): 113–21, at 120–21 [first published, *Proceedings. The Japan Society of London* (1919); reprinted, NITOBÉ: *The Works*, vol. 23, 1972: 111–20. For a study see Ian Hill NISH: "Nitobe and the Secretariat in London 1919", NAGAO Teruhiko 長尾輝彦 (ed.): *Nitobe Inazō. From Bushido to the League of Nations*, Sapporo 札幌市: Hokkaidō University. Graduate School of Letters 北海道大学文学研究科 2006: 167–84.

83 On Pan-Asianisms see Cemil AYDIN: *The Politics of Anti-Westernism in Asia. Visions of World Order in Pan-Islamic and Pan-Asian Thought*, New York: Columbia University Press 2007: 54–9, 161–89. James B. CROWLEY: "Intellectuals as Visionaries of the New Asian Order", James W. Morley (ed.): *Dilemmas of Growth in Prewar Japan*, Princeton: Princeton University Press 1971: 375–421. HIRAISHI Naoaki 平石直昭: "Kindai Nihon no kokusai chitsujokan to Ajia shugi" 近代日本の国際秩序観とアジア主義 (The Relationship of Japan with the International Order and Pan-Asianism), *20 seiki shisutemu 20 世紀システム* (The Twentieth-Century System), vol. 1, Tōkyō Daigaku Shuppan Kai 東京大学出版会 1998: 176–211. HIROBE Izumi 廣部泉: "Nihon no dai Ajia shugi ni tai suru seiyō no hannō" 日本の大アジア主義に対する西洋の反応 (Western Responses to Japanese Pan-Asianism), *Meiji Daigaku jinbun kagaku kenkyū kiyō* 明治

as a state had the obligation, once its self-liberation from the imposed inequality of relations with great powers in Europe had been accomplished, to liberate states specifically in East, Southeast and South Asia by bringing “civilization” to them.⁸⁴ For one, art theorist Okakura Tenshin 岡倉天心 (or

大学人文科学研究紀要 (Memoirs of the Institute of Humanities. Meiji University) 75 (2014): 217–46. Hotta Eri [堀田江理]: *Pan-Asianism and Japan's War. 1931–1945*, Basingstoke and New York: PalgraveMacmillan 2007: 75–106. Kobayashi Hiroharu 小林啓治: *Kokusai chijitsujo no keisei to kindai Nihon* 国際秩序の形成と近代日本 (The Genesis of the International Order and Modern Japan), Yoshikawa Kōbun Kan 吉川弘文館 2002. Kobayashi: “Rōyama Masamichi's Perception of International Order from the 1920s to the 1930 and the Concept of the East Asian Community”, Dick Stegewerns (ed.): *Nationalism and Internationalism in Imperial Japan*, Abingdon: Routledge 2006: 135–67 [first published, *Nihonshi kenkyū* 日本史研究 (Studies in Japanese History) 424 (1997)]. Julian Victor Koschmann: “Asianism's Ambivalent Legacy”, Peter J. Katzenstein and Shiraishi Takashi [白石隆] (eds): *Network Power. Japan and Asia*, Ithaca: Cornell University Press 1997: 83–110. Miwa Kimitada: “Pan-Asianism in Modern Japan. Nationalism, Regionalism and Universalism”, Sven Saaler and J. Victor Koschmann (eds.): *Pan-Asianism in Modern Japanese History*, London and New York: RoutledgeCurzon 2007: 21–33. Nakano Ryōko: “Asianism versus Internationalism?”, Nakano: *Beyond the Western Liberal Order. Yanaihara Tadao and Empire as Society*, Basingstoke: PalgraveMacmillan 2013: 115–41. Kurt W. Radtke: “Nationalism and Internationalism in Japan's Economic Liberalism. The Case of Ishibashi Tanzan”, *ibid.*: 168–94. Sven Saaler: *Pan-Asianism in Meiji and Taishō Japan*, Deutsches Institut für Japanstudien 2002 (Deutsches Institut für Japanstudien. Working Paper. 2002, 4). Saaler: “Pan-Asianismus im Japan der Meiji- und Taishō-Zeit”, Iwo Amelung (ed.): *Selbstbehauptungsdiskurse in Asien*, Munich: Iudicium 2003: 127–58. Saaler: “The Emergence of Pan-Asianism as an Ideal of Asian Identity and Solidarity”, Saaler and Christopher W. A. Szpilman (eds): *Pan-Asianism. A Documentary History*, vol. 2, Lanham, MD: Rowman & Littlefield 2011: 1–41. Saaler: “The Pan-Asiatic Society and the Conference of Asian Peoples”, *ibid.*: 97–105. Pierre-François Souyri, “Critiquer le colonialisme dans le Japon d'avant 1945”, *Cipango* 18 (2011): 224–34. Christopher W. A. Szpilman: “The Dream of One Asia. Ōkawa Shūmei and Japanese Pan-Asianism”, Harald Fuess (ed.): *The Japanese Empire in East Asia and Its Postwar Legacy*, Munich: Iudicium 1998: 49–63. Dick Stegewerns: “The Dilemma of Nationalism and Internationalism in Modern Japan. National Interest, Asian Brotherhood, International Cooperation or World Citizenship”, Stegewerns (ed.): *Nationalism* (as above): 1–16. Takeuchi Yoshimi 竹内好, “Ajia shugi no tenbō アジア主義の展望” (Prospects of Pan-Asianism), Takeuchi: *Ajia shugi* アジア主義 (Pan-Asianism), Chikuma Shobō 筑摩書房 1963: 7–66. Takeuchi: “Der japanische Asianismus”, Wolfgang Seifert and Christian Uhl (eds., transls.): *Japan in Asien. Geschichtsdenken und Kulturkritik nach 1945*, München: Iudicium 2005: 121–90. Stefan Tanaka: *Japan's Orient. Rendering Pasts into History*, Berkeley and Los Angeles: University of California Press 1993: 115–51 [further edn, Berkeley and Los Angeles: University of California Press 1995]. Urs Matthias Zachmann: “Asianismus und Völkerrecht. Japans sanfter Übergang von der Großasiatischen Wohlstandssphäre zu den Vereinten Nationen. 1944–1956”, *Comparativ* 18 (2008): 53–68.

84 Egerton Herbert Norman: “The Genyosha. A Study in the Origins of Japanese Imperialism”, *Pacific Affairs* 17 (1944): 261–84 [preprint of, Norman: *Feudal Back-*

Kakuzō 覚三), in a way through a performative speech act, proclaimed “Asia is one” in 1903, whereby he then subsumed into “Asia” all cultures influenced by Buddhism.⁸⁵ In addition, however, Pan-Asianism also served as an ideological instrument that could be used to advocate the strengthening of Japanese political influence specifically upon China and Korea.⁸⁶ The Meiji government followed this advocacy in its justification of the military intervention in China in 1894⁸⁷ and against Russia in 1904. But this line of ar-

ground of Japanese Politics, Hot Springs, VA: Institute of Pacific Relations 1945 (Ninth Conference of the Institute of Pacific Relations, 1944 = Secretariat Paper, 9) [reprint, New York: AMS Press 1978], Chapter V; new edn of this text in: NORMAN: *Origins of the Modern Japanese State*, edited by John W. DOVER, New York: Pantheon Books 1975: 317–464; this edn does not contain Chapter V of the original text]. TAKEUCHI: *Ajia* (note 83).

- 85 OKAKURA Tenshin: *The Ideals of the East*, London: Murray 1903: 1, 5–8 [further edns, *ibid.* 1904; 1905; New York: Dutton 1904; 1905; new edn, London: Murray 1920; reprint of the edn of 1903, Kolkatta: Editions Indian 1973; further new edns, Rutland and Tokyo: Tuttle 1970; 1973; New York: ICG Muse 2000; New York: Tuttle 2000; 2009; Berkeley: Stone Bridge Press 2007]. OKAKURA: *The Awakening of Japan*, New York: Century 1904 [further edns, New York: Japan Society 1921; London: Murray 1922; Sanseidō 三省堂 1939; Kenkyū Sha 研究社 1940; new edn s.t.: *Japan's Innate Virility. Selections from Okakura and Nitobe*, Hokuseidō 北省堂 1943, reprint of this edn, edited by Peter O'CONNOR, Synapse 2004 (Japanese Propaganda Books. 1872–1943, Series 1): 223]. On Okakura see BEASLEY: *Imperialism* (note 59): 32–34. IRIE Akira: “Japan's Drive to Great-Power Status”, Marius Berthus JANSEN (ed.): *The Cambridge History of Japan*, vol. 5, Cambridge: Cambridge University Press 1989: 621–782, at 772. Brij TANKHA (ed.): *Okakura Tenshin and Pan-Asianism*, Folkestone: Global Oriental 2009. A little later, lawyer politician KODERA Kenkichi 小寺謙信: *Dai Ajia shugi ron* 大亜細亜主義論 (Treatise on Pan-Asianism), Hōbun Kan 宝分館 1916: 247–475, 1008–254 [further edn, *ibid.* 1918] argued Pan-Asianist positions far more elaborately.
- 86 NORMAN: “Genyosha” (note 84). Cemil AYDIN: “Japanese Pan-Asianism through the Mirror of Pan-Islamism”, KIMURA Masato [木村昌人] and MINOHARA Tosh[ihiro] [蓑原俊洋] (eds): *Tumultuous Decade. Empire, Society and Diplomacy in 1930s Japan*, Toronto and Buffalo: University of Toronto Press 2013: 44–68, at 57–61. KIM Hoi-Eun: *Doctors of Empire. Medical and Cultural Encounters between Imperial Germany and Japan*, Toronto and Buffalo: University of Toronto Press 2014 [first published s.t.: *Physicians on the Move. German Physicians in Meiji Japan and Japanese Medical Students in Imperial Germany. 1868–1914*. Ph.D. Thesis, typescript, Cambridge, MA: Harvard University 2006: 112–21, argues that such advocacy was drawn on racist perceptions borrowed from German physical anthropology through the teaching of Erwin von Baelz, but fails to adduce evidence showing the racist basis of Pan-Asianism during this period. For evidence pointing to the weakness of Baelz's methodology and the limitations of the reception of his race theories in Japan in his own time, see Rotem KOWNER: “Lighter than Yellow, but not Enough”. Western Discourse on the Japanese ‘Race’. 1854–1904”, *Historical Journal* 43 (2000): 103–31, at 124.
- 87 See above, note 77.

gument had its flaws from the very beginning. Domestic right-wing critics of the government's anti-Russian strategy during the Russo-Japanese War argued that the campaign, apparently fought to remove colonial control from East Asia, had jeopardized the security both of Japan and of East Asia. For, even if Russia had withdrawn from Chinese territory, other European governments were still there and would now threaten even Japan's increased military strength while the Japanese armed forces were not ready to stand up against this treat.⁸⁸ Moreover, leftist critics such as Kōtoku Shūsui, rejected war as a means for the expansion of rule and dissected the strategies of colonial expansion. In 1901, one year before John Atkinson Hobson's critique of imperialism as a manifestation of colonial rule was published,⁸⁹ Kōtoku summed up his own critical analysis of the expansion of colonial rule into the statement that 'imperialism' 帝国主義 (*teikoku shugi*) was spreading across the world like a prairie fire, thereby voicing opposition against the damages inflicted through colonial rule upon populations all over the globe.⁹⁰ Hence, Japanese Socialist critics of colonial rule argued that the

88 Among others see ŌKAWA Shūmei 大川周明: *Kakumei Yōroppa to Fukkō Ajia* 革命欧羅巴と復興亜細亜 (Europe in Upheaval and Asia in the Upturn), Yūson Sha 猶存社 1922: 13–8. ŌKAWA: *Nihon oyobi Nihonjin no michi* 日本および日本人の道 (The Path of Japan and the Japanese), Gyōchi Sha Shuppan Bu 行地社出版部 1926: 85–92. On Ōkawa see Cemil AYDIN: "A Global Anti-Western Moment? The Russo-Japanese War, Decolonization and Asian Modernity", Sebastian CONRAD and Dominic SACHSENMAIER (eds): *Competing Visions of World Order*, Basingstoke and New York: Palgrave-Macmillan 2007: 213–36, footnote 34. AYDIN: *Politics* (note 83): 168–74, 187–88. AYDIN: "Pan-Asianism" (note 86): footnote 17. AYDIN: "Pan-Nationalism of Pan-Islamic, Pan-Asian and Pan-African Thought", John BREUILLY (ed.): *The Oxford Handbook of the History of Nationalism*, Oxford: Oxford University Press 2013: 672–93, at 679–80. BEASLEY: *Imperialism* (note 62): 31–2. HASHIKAWA Bunzō 橋川文三: *Chō kokka shugi* 超国家主義 (Chauvinism), Chikuma Shobō 筑摩書房 1964 (Gendai Nihon shisō taikai 現代日本思想大系, 31): 358. HIRAKAWA Sukehiro [平川祐弘]: *Modernizing Japan in Comparative Perspective*, University of Tokyo. Institute of Comparative Culture 1987: (Comparative Studies of Culture 紀要東京大学比較文化研究所, 26): 29. IRIE Akira: *Nihon no gaikō* 日本の外交 (Japanese Diplomacy), Chūō Kōron Sha 中央公論社 1966: 4–8. IRIE: *Drive* (note 85): 778. Marius Berthus JANSEN: "Japanese Imperialism. Late Meiji Perspectives", Ramon Hawley MYERS and Mark R. PEATTIE (eds): *The Japanese Colonial Empire. 1895–1945*, Princeton: Princeton University Press 1984: 61–79, at 65–6. SZPILMAN: "Dream" (note 83): 59. SZPILMAN: *Kindai Nihon no kakushin ron to Ajia shugi* 近代日本の革新論とアジア主義 (The Theory of Reform in Modern Japan and Pan-Asianism), Ashi Shobō 芦書房 2015: 53–75.

89 HOBSON: *Imperialism* (note 74).

90 KŌTOKU Shūsui 幸徳秋水: *Teikoku shugi* 帝国主義 (Imperialism, 1901), Chap. 1, edited by YAMAIZUMI Susumu 山泉進, Iwanami Shoten 岩波書店 2004: 15, 19. On

Meiji government should not allow itself to be placed into the camp of colonial rulers, and even accused it of taking over all the evils of colonialism from which it had just liberated itself. The Meiji and, subsequently, the Taishō governments, however, remained unimpressed by that brand of criticism. Instead, they felt encouraged to proceed with the expansionist strategy on the basis of the alliance with the United Kingdom.⁹¹ The alliance, first concluded in 1902, was renewed in 1905 with the explicit recognition by the government of the United Kingdom of Japan's "special political, military and economical interests in Korea".⁹² Before it declared war on Germany on 23 August 1914,⁹³ the Taishō government restated its Pan-Asianist convictions, demanded, after some initial hesitation, that Germany vacate its colonial dependencies in China,⁹⁴ proceeded with the military occupation of this

Kōtoku, who was executed after having been sentenced for high treason, see IRIE: *Estrangement* (note 46): 75–7. IRIE: "Drive" (note 85): 771. Robert Thomas TIERNEY: *Monster of the Twentieth Century. Kōtoku Shūsui and Japan's First Anti-Imperialist Movement*, Oakland, CA: University of California Press 2015: 36–56. SOUYRI: "Critiquer" (note 83): 194–96; *ibid.*: 197–203 on Taishō Period democracy theorist YOSHINO Sakuzō 吉野作造.

91 NISH: *Alliance* (note 41).

92 Article III, in: NISH: *Alliance* (note 41): 324.

93 For the declaration of war see Otfried NIPPOLD: "Die Wahrheit über die Ursachen des Europäischen Krieges". *Japan, der Beginn des Ersten Weltkrieges und die völkerrechtliche Friedenswahrung*, edited by NAKAI Akio [中井暁夫] and Harald KLEINSCHMIDT, Munich: Iudicium 2005: 204–05 [from the German version published in the *Frankfurter Zeitung* (Erstes Morgenblatt, 29 August 1914) and the *Norddeutsche Allgemeine Zeitung* (30 August 1914)]. The Japanese version is in *Nihon gaikō bunsho* 日本外交文書 (Diplomatic Records of Japan), Taishō San-nen 大正三年 (Year Taishō 3 [1914]), vol. 3, nr 240, Gaimu Shō 外務省 (Ministry of Foreign Affairs) 1966: 217. In his declaration, the Taishō Emperor 大正天皇 stated that he had initially been willing to stay neutral in the European war. This statement can be confirmed from the message the Japanese Consul General at Hamburg conveyed to the German Foreign Office on 15 August 1914. In his statement, he recommended that "Japan should let the predators fatigue themselves in their struggle" [Ms. Freiburg: BUNDESARCHIV MILITÄRARCHIV, RM 3/20]. On the German side, the government considered the option of neutralizing East Asia early in August 1914, according to US ambassador James Watson Gerard in his message to the US State Department of 13 August 1914 [*Foreign Relations of the United States. 1914*, Supplement. Washington, DC: GPO 1928: 169–70]. On these plans see: John Henry ENGRAM: *Partner or Peril? Japan in German Foreign Policy and Diplomacy. 1914–1920*. Ph.D. Thesis, typescript, Pullman: Washington State University 1976: 62, 64–73, 76–8. James Watson GERARD: *My Four Years in Germany*, London: Hodder & Stoughton and New York: Doran 1917: 145.

94 On Shandong under German colonial rule and the Japanese occupation see Wolfgang BAUER: *Tsingtau 1914 bis 1931. Japanische Herrschaft, wirtschaftliche Entwicklung und die Rückkehr der deutschen Kaufleute*, Munich: Iudicium 2000. Annette BIENER:

colony once the German government had refused to reply to its ultimatum, and then drove the German administration out of its colonial dependencies in the South Pacific north of the Equator.⁹⁵

After World War I, the Taishō government and military analysed the conduct and outcome of World War I carefully, and intellectual designers of colonial rule continued to fuse Pan-Asianist ideologies with the now manifestly existing but not officially so termed colonial empire now extending beyond the confines of what used to be termed East Asia.⁹⁶ In 1920, the

Das deutsche Pachtgebiet Tsingtau in der Provinz Schantung 1897–1914. Institutioneller Wandel durch Kolonialisierung, Bonn: Matzat 2001 (Studien und Quellen zur Geschichte Shantungs und Tsingtaus, 6). Hans-Martin HINZ and Christoph LIND (eds): *Tsingtau – Ein Kapitel deutscher Kolonialgeschichte*, Berlin: Deutsches Historisches Museum 1998. Edwin Palmer HOYT: *The Fall of Tsingtau*, London: Barker 1975. KIM Chun-Shik: *Deutscher Kulturimperialismus in China. Deutsches Kolonialschulwesen in Kiautschou (China) 1898–1914*, Stuttgart: Steiner 2004 (Missionsgeschichtliches Archiv, 8). Klaus MÜHLHAHN: *Herrschaft und Widerstand in der “Musterkolonie” Kiautschou. Interaktionen zwischen China und Deutschland 1897–1914*, Munich: Oldenbourg 2000 (Studien zur internationalen Geschichte, 8). George STEINMETZ: *The Devil’s Handwriting. Precoloniality and the German Colonial State in Qingdao, Samoa and Southwest Africa*, Chicago: University of Chicago Press 2007.

95 On the occupation of the Carolinas, Marianas and Marshall Islands see Peter Carel PAUWELS: *The Japanese Mandate Islands*. LLD. Thesis, Batavia 1936: 14–25.

96 Jan SCHMIDT: “Der Erste Weltkrieg als vermittelte Kriegserfahrung in Japan. Mediale Aneignung und Studien durch Militär und Ministerialbürokratie”, *Geschichte und Gesellschaft* 40 (2014): 239–65. SHIGA Shigetaka 志賀重昂: *Nan’yō jiji* 南洋時事 (South Sea Occurrences), Maruzen 丸善 1889 [first published, *ibid.*: 1887; further edn, *ibid.*: 1891; new edn, *ibid.*: 2007], who, at 43, pleaded for the expansion of Japanese government control onto Hawaii. Shiga was co-founder of the Shokumin Kyōkai 植民協会 (Colonial Society, est. 1893). On Shiga see Masako GAVIN: *Shiga Shigetaka. The Forgotten Enlightener*, Richmond, SY: Curzon 2001. GAVIN: “Shiga Shigetaka (1863–1927) and New Zealand as a Model for Japan”, Roy STARRS (ed.): *Japanese Cultural Nationalism. At Home and in the Asia Pacific*, Folkestone: Global Oriental 2004: 193–212. Ken HENSHALL: “The Japanese Occupation of Micronesia in the Context of Imperialism”, *ibid.*: 268–78. MIWA Kimitada: *Crossroads of Patriotism in Imperial Japan. Shiga Shigetaka (1863–1927), Uchimura Kanzō (1861–1930) and Nitobe Inazō (1862–1933)*. Ph.D. Thesis, typescript, Princeton University 1967. Shibusawa Eiichi 渋沢栄一 initialized the South Sea Society 南洋協会 (Nan’yō Kyōkai) in 1914. On the Nan’yō Kyōkai see AYDIN: “Pan-Asianism” (note 86): 53–7. KAWAHARABAYASHI Naoto 川原林直人: “Nan’yō Kyōkai to nanshin seisaku 南洋協会と南進政策” (The South Sea Cooperation Association and the Southern Policy), MATSUURA Masataka 松浦正孝 (ed.): *Shōwa Ajia shugi no jitsuzō* 昭和アジア主義の実像 (The Real Picture of Shōwa Period Panasianism), Kyōto: Mineruva Shobō ミネルヴァ書房 2007: 148–181. Already during the 1890s, the expansion of the range of Japanese government activities to Southeast and even South Asia had been demanded by WATANABE Shūjirō 渡辺修二郎: *Sekai ni okeru Nihonjin* 世界に於ける日本人 (The Japanese in the World), Keizai Shinbun Sha 経済新聞社 1893: 8–134, 386

League of Nations extended legitimacy to Japanese rule over islands in the South Pacific by granting a “Class C” mandate⁹⁷ according to Article XXII of its Covenant.⁹⁸ However, what was in fact an empire was still not called

[reprint, *ibid.*: 1897; new edn, *ibid.*: 1942]. On Watanabe see Mark R. PEATTIE: “*Nanshin*. The ‘Southward Advance’ 1931–1941 as a Prelude to the Japanese Occupation of Southeast Asia”, Peter DUUS, Ramon Hawley MYERS and Mark R. PEATTIE (eds): *The Japanese Wartime Empire. 1931–1945*, Princeton: Princeton University Press 1996: 189–242, at 198.

97 Text of the mandate dated 17 December 1920 in PAUWELS: *Islands* (note 95): 147–49.

98 For contemporary discussions about the mandate in the German and US presses see Tokyo, Gaimu Shō Shiryō Kan 外務省資料館, B 9,6,0,2, and *Nihon gaikō bunsho* 日本外交文書 (Diplomatic Records of Japan), Shōwa 8 nen tai Ō Bei kokusai kankei 昭和8年対欧米国際関係 (Relations with Europe and America Year Shōwa 8 [1933]), Series II, vol. 2, part 2; Gaimu Shō 外務省 (Ministry of Foreign Affairs), 1997, nr 170 (dated 25 March 1933): 305–06, nr 173 (dated 4 April 1933): 308. For the discussion on the mandates from the point of view of legal studies see Norman BENTWICH: *The Mandates System*, London: Longman 1930. George H. BLAKESLEE: “Japan’s New Island Possessions in the Pacific. History and Present Status”, *Journal of International Relations* 12 (1921): 173–91. Umberto BORSI: *I mandati internazionali in relazione alla classificazione giuridica delle colonie*, Rome: USILA 1928 [also, *Studi di diritto pubblico e corporativo*, vol. 1, nr 7 (1925)]. Ramendra Nath CHOWDHURI: *International Mandates*, The Hague: Nijhoff 1955. Georges D. CIORICEANU: *Les mandats internationaux. Une conséquence des principes fondamentaux de la Société des Nations*, Paris: Édition de “La Vie Universitaire” 1921. Paul Hibbert CLYDE: *Japan’s Pacific Mandate*, New York: Macmillan 1935 [reprint, Port Washington: Kennikat Press 1967]. Louis COMISETTI: *Mandats et souveraineté*, Paris: Recueil Sirey 1934. Giulio DIENA: “Les mandats internationaux”, *Recueil des cours* 5 (1924): 211–66. Luther Harris EVANS: “Would Japanese Withdrawal from the League Affect the Status of the Japanese Mandate?”, *American Journal of International Law* 27 (1933): 240–42. P. T. FURUKAKI: *Les mandats internationaux de la Société des Nations*. LLD. Thesis, University of Lyons 1923. FURUKAKI: “Nature juridique des mandats internationaux de la Société des Nations”, *Bibliothèque universelle et revue de Genève* (1926): 381–90. Frieda GSELL-TRÜMPF: *Zur rechtlichen Natur der Völkerbundsmandate*. LLD. Thesis, University of Zurich 1928 [published, Glarus: Tschudy 1928 (Glaner Beiträge zur Geschichte, Rechtswissenschaft, Sozialpolitik und Wirtschaftskunde, 8)]. Hessel Duncan HALL: *Mandates, Dependencies and Trusteeships*, Washington, DC: Carnegie Endowment 1948 (Studies in the Administration of International Law and Organization, 9) [reprint, New York: Kraus 1972]. Mark Frank LINDLEY: *The Acquisition and Sovereignty of Backward Territories in International Law*, London: Longman 1926: 20–2, 325–77 [reprint, New York: Negro University Press 1969]. Elizabeth van MAANEN-HELMER: *The Mandates System in Relation to Africa and the Pacific Islands*, London: King 1929: 13–4, 36, 52–5. Aaron Morris MARGALITH: *The International Mandates*, Baltimore: Johns Hopkins University Press 1930. Giuseppe MENOTTI DE FRANCESCO: “La natura giuridica dei mandati internazionali”, *Studi nelle scienze giuridiche et sociali* 10 (1926): 1–130. Albert MILLOT: *Les mandats internationaux*, Paris: Larose 1924. Giorgio Balladore PALLIERI: *I mandati della Società delle nazioni*, Turin: Bocca 1928. PAUWELS: *Islands* (note 95): 131–46. Paul PIC: *Le régime du mandat d’après le traité de Versailles*, Paris: Pédone 1923 [also, *Revue générale de droit international public*

empire in official Japanese terminology, even though a specific Ministry 拓務省 (Takumushō) was established in 1929 to administer, among other matters, the overseas areas. The term “empire” had since the Meiji Period been reserved for the state of Japan in official terminology,⁹⁹ and the Taishō and early Shōwa governments continued to display significant reluctance to employ the terminology of colonialism. Hence, the legacy of Pan-Asianism continued to impact on policy-making through the ideology of liberation from colonial rule beyond World War I.

During the 1930s, one of the most vocal proponents of the new type of Pan-Asianism emerging was Miki Kiyoshi 三木清, Professor of Philosophy at Hōsei University 法政大学 in Tokyo. Miki defended the idea that the territories which had come under Japanese government control could not form a colonial empire. Instead, he argued that the Shōwa government should promote internationalism through its “civilizing” impact specifically on East Asia, with the alleged “civilization” becoming the ferment for the generation of future independence from the West. Miki further believed that the Sino-Japanese War of 1894/95 had, in fact through official institutionalization, resulted in the formation of some ‘East Asian Cooperation Association’ 東亜協力隊 (Tōa Kyōryoku Tai), in which ‘cooperation’ was not to be accomplished through governments of states but through cultural exchange

(1923)]. Andrea RAPISARDI-MIRABELLI: *Questioni generali e particolari inerenti alla Società delle nazioni. La natura giuridica dei “Mandati internazionali” della Società delle Nazioni*, Siena: Circolo Giuridico della Reale Università 1928. Robert REDSLOB: *Le système des mandats internationaux*, Haarlem and The Hague: Willink 1926 [first published, *Bulletin de l’Institut intermédiaire international* 15 (1925): 284–329]. Daniel François Willem van REES: *Les mandats internationaux*, 2 vols, Paris: Rousseau 1927–28. Wolfgang SCHNEIDER: *Das völkerrechtliche Mandat*, Stuttgart: Ausland und Heimat 1926 (Schriften des Auslands-Instituts. Rechts- und Staatswissenschaftliche Reihe, Bd 2). J. SNELLEN VAN Vollenhoven: “Notes on the Japanese Mandate Islands”, *Bulletin of the Colonial Institute of Amsterdam* 1 (1937): 69–74. Carmine STARACE: *I mandati internazionali*, Isola del Liri: Macioce & Pisani 1921. Jakob STOYANOVSKY: *La théorie générale des mandats internationaux*. LLD. Thesis, University of Paris 1925. Alberto VALLINI: *I mandati internazionali della Società delle nazioni*, Milan: Hoepli 192. Edward Thomas WILLIAMS: “Japan’s Mandate in the Pacific”, *American Journal of International Law* 27 (1933): 428–39. Junius B. WOOD: “Japan’s Mandate in the Pacific”, *Asia* 21 (1921): 747–53. Quincy WRIGHT: “Sovereignty of the Mandates”, *American Journal of International Law* 17 (1923): 691–703. WRIGHT: *Mandates under the League of Nations*, Chicago: University of Chicago Press 1930: 122–35, 519 [reprint, New York: Greenwood Press 1968].

99 KLEINSCHMIDT: “Imperium” (note 25): 1312–20.

among ‘peoples’ 民族 (minzoku).¹⁰⁰ According to Miki, the ‘cooperation’ among ‘peoples’ was to transcend simple nationalism while preserving the cultural integrity of every ‘people’ in the “Kyōryoku Tai”. Japan, Miki demanded, had the obligation to lead the “Kyōryoku Tai”, because, he thought, this idea had come up there and because Japan was the most “civilized” state in it. Thus, Miki, like Katō, fully embraced the rhetoric of “civilization”, while going beyond Katō in turning the promotion of ‘civilization’ into the task not just of the government but even of the population of Japan as a whole. Miki thus insisted that the Japanese ‘people’ should curtail their own nationalist sentiments in fulfillment of the self-appointed task of advancing the goals of the unofficial “Kyōryoku Tai” and would have to respect the cultural identity of all other ‘peoples’ in this ‘Association’.¹⁰¹ Miki thereby granted legitimacy to Japanese rule over territories and populations in East Asia and the South Pacific by fusing the hierarchical order within the ‘kyōryokutai’ with the Pan-Asianist demand to contribute to liberation from colonial rule. In this perverted version of Pan-Asianist ideology,¹⁰² Japanese rule appeared to be legitimate until liberation from colonial rule would have made it redundant. But Miki left it to the government of Japan to decide when the supposed liberation from colonial rule would have been accomplished.

Already early in the 1930s, journalist and Takushoku University 拓殖大学 Professor Mitsukawa Kametarō 満川亀太郎¹⁰³ radicalized Miki’s ver-

100 *Miki Kiyoshi zenshū* 三木清全集 (Collected Works), vol. 17, Iwanami Shoten 岩波書店, 1968: 516–17. On Miki see John Namjun KIM: “The Temporality of Empire. The Imperial Cosmopolitanism of Miki Kiyoshi and Tanabe Hajime”, Sven SAALER and Julian Victor KOSCHMANN (eds): *Pan-Asianism in Modern Japanese History. Colonialism, Regionalism and Borders*, London and New York: Routledge 2007: 150–67, at 153, 156–57.

101 *Miki Kiyoshi zenshū*, vol. 17 (note 100): 516–17. Likewise RŌYAMA Masamichi 蠟山政道, *Tōa to sekai. Shin chitsujo e no ronsaku* 東亜と世界 新秩序への論策 (East Asia and the World. Plan for the New Order), Kaizō Sha 改造社, 1941: 91. For studies see AYDIN: *Politics* (note 83): 161–89. William Miles FLETCHER III: *Ideologies of Political and Economic Reform and Fascism in Prewar Japan. Ryū Shintarō, Rōyama Masamichi and the Shōwa Research Association*. Ph.D. Thesis, typescript, New Haven: Yale University 1975: 137–46, 151–64, esp. at 161–62. FLETCHER: *The Search for a New Order*, Chapel Hill, NC: University of North Carolina Press 1982: 29–39, 110–16.

102 Correctly TAKEUCHI: *Ajia* (note 83).

103 Christopher W. A. SZPILMAN: “Between Pan-Asianism and Nationalism. Mitsukawa Kametarō and the Campaign to Reform Japan and Liberate Asia”, Sven SAALER and Julian Victor KOSCHMANN (eds): *Pan-Asianism in Modern Japanese History*.

sion of Pan-Asianism by inserting into it arguments drawn from the German ideological concept of *Lebensraum*. Taking up emigration proposals of the 1920s,¹⁰⁴ Mitsukawa claimed that the Japanese population was rapidly growing, its growth would soon lead to overpopulation, and overpopulation would in turn lead to demands for the creation of further *Lebensraum*. He described Japan as an assemblage of small rocky islands bereft of natural resources and thus seemingly faced with the decision either to expand or to perish. Mitsukawa thus demanded the formulation of an aggressive emigration policy that, he argued, should be aimed at using Miki's "Kyōryokutai" as an institutional mechanism to direct Japan's alleged overpopulation into parts of continental East Asia.¹⁰⁵ In arguing this stance, Mitsukawa even

Colonialism, Regionalism and Borders, London and New York: RoutledgeCurzon 2007: 85–100, at 92–3.

- 104 The Pan-Asian movement also proposed programs for emigration to Manchuria during the early 1920s, where it wanted settler colonies to be erected. Yet the Taishō government did not respond to the proposal but allowed the debate to continue that the proposal raised. On the proposal see Sven SAALER: "Pan-Asianism during and after World War I", SAALER and Christopher W. A. SZPILMAN (eds): *Pan-Asianism. A Documentary History*, vol. 1, Lanham, MD: Rowland & Littlefield 2011: 255–69. KIMURA Kenji [木村健二], "Settling into Korea. The Japanese Expansion into Korea from the Russo-Japanese War to the Early Period of Annexation", KIMURA, UCHIDA Jun and SUN Jae-Who: *Settler Colonialism and Capitalism in Japan. Advances into Korea, Settling Down and Returning to Japan. 1905–1950*, Cambridge, MA: Harvard University. Edwin O. Reischauer Institute of Japanese Studies 2002 (Occasional Papers in Japanese Studies 2002, 3): 1–10. OKAZAKI Hisahiko 岡崎久彦: *Komura Jutarō to sono jidai* 小村寿太郎とその時代 (Komura Jutarō and His Age), PHP Kenkyū Jo PHP 研究所 2003: 307–08. UCHIDA Jun: "Settler Colonialism. Japanese Merchants under Colonial Rule in the 1920s", KIMURA: *Settler Colonialism* (as above): 11–22. UCHIDA: *Brokers of Empire. Japanese Settler Colonialism in Korea. 1876–1945*. Ph.D. Thesis, typescript, Cambridge, MA: Harvard University 2005, esp. at 503–05 [published, Cambridge, MA: Harvard University Asia Center 2011 (Harvard East Asian Monographs, 337)]. UCHIDA: "Between Collaboration and Conflict. State and Society in Wartime Korea", KIMURA Masato and MINOHARA Tosh (eds): *Tumultuous Decade. Empire, Society and Diplomacy in 1930s Japan*, Toronto and Buffalo: University of Toronto Press 2013: 130–60.
- 105 The Shōwa Government supported specifically the emigration of farmers. See TAKUMU SHŌ 拓務省 (Ministry for the Promotion of Cultivation), Takumu Kyoku 拓務局 (Office for the Promotion of Cultivation) (ed.): *Manshū nōgyō imin no genkyō* 満州農業移民の現況, Takumu Kyoku 1937; 1938. TAKUMU SHŌ: *Manshū nōgyō imin ni tsuite* 満州農業移民に就いて (On the Current Situation of Farmers Migrating to Manchuria), Takumu Shō, Takumu Kyoku 1938. In 1938, the government authorized a public opinion poll under the goal of testing the ready of rural populations to migrate to Manchukuo. See *Manshū nōgyō imin ni kan suru shoshiryō* 満州農業移民に関する諸資料 (Collected Documents Relating to Farmers Migrating to Manchuria), Takumu Shō, Takumu Kyoku 1938 (Naigai shoshiryō 内外諸資料 (Collected Documents on

criticized the Meiji government which, in his view, had not given sufficient support to emigration for the purpose of generating additional *Lebensraum*, but had conceived its emigration policy merely as a mechanism to shovel out paupers. Thereby, Mitsukawa maintained, the Meiji government had succeeded to some degree in alleviating poverty inside Japan but it had created lost populations by directing the emigrants to the Americas rather than to dependencies in East Asia. By contrast, Mitsukawa expected that ‘peoples’ in East Asia would welcome Japanese colonists as immigrants because they appeared to him as ‘peoples’ of the same race, religion, principles of the conduct of life and emotionality. As long as Japanese colonists would respect the moral guidelines of Pan-Asianism in conjunction with some common East Asian cultural traditions and would work towards the promotion of “civilization” in East Asia, they would not encounter resistance, Mitsukawa expected.¹⁰⁶ Thus, the ideology of settler colonialism in conjunction with a perverted version of Pan-Asianism existed at the time when the Kwantung-Army carried out its bomb attack in Manchuria.¹⁰⁷

Domestic and Foreign Affairs), tenth annual issue, nr 11): 241–62. According to the poll (260), 17% of the respondents declared their willingness to migrate, specifically young men. On the poll see Louise YOUNG: *Japan's Total Empire. Manchuria and the Culture of Wartime Imperialism*, Berkeley: University of California Press 1998: 54. Already in August 1935, the government released basic principles of national policy, in which expansion towards the South became categorized as vital for the state. On this plan see GOTŌ Ken'ichi 後藤乾一: “Taiwan to Nan'yō. ‘Nanshin’ mondai to no kanren de” 台湾と南洋「南進」問題との関連で (Taiwan and the South Pacific. Concerning the Problem of “Southward Expansion”), ŌE Shinobu 大江志乃夫 (ed.): *Kindai Nihon to shokuminchi* 近代日本と植民地 (Modern Japan and Colonialism), vol. 2, Iwanami Shoten 岩波書店 1992: 147–75. Hyung-Gu LYNN: “A Comparative Study of the Tōyō Kyōkai and the Nan'yō Kyōkai”, Harald FUESS (ed.): *The Japanese Empire in East Asia and Its Postwar Legacy*, Munich: Iudicium 1998: 65–95, at 91. HATANO Sumio 波多野澄雄: “Nihon kaigun to ‘nanshin’” 日本海軍と「南進」 (The Japanese Navy and the “Southward Advance”), SHIMIZU Hajime 清水元 (ed.): *Ryō taishen kanki Nihon. Tōnan Ajia kankei* 両大戦間期日本・東南アジア関係 (Japan between the Two World Wars. Relations with Southeast Asia), Ajia Keizai Kenkyū Jo アジア経済研究所 1986: 207–36.

106 MITSUKAWA Kametarō: *Man Mō tokushusei no kaibō* 満蒙特殊性の解剖 (Analysis of the Special Features of Manchuria and Mongolia), Kyō A Kaku 興亜閣 1931: 27. For the context see HASEGAWA Yūichi 長谷川雄一: *Kindai Nihon no kokusai ninshiki* 近代日本の国際認識 (International Concepts of Modern Japan), Ashi Shobō 芦書房 2016: 85–120. SZPILMAN: *Kindai* (note 88): 77–178. Urs Matthias ZACHMANN: “Race and International Law in Japan's New Order in East Asia. 1938–1945”, Rotem KOWNER and Walter DEMEL (eds): *Race and Racism in Modern East Asia. Western and Eastern Constructions*, Leiden: Brill 2013 (Brill's Series in Modern East Asia in a Global Historical Perspective, 1): 453–71.

107 ZACHMANN: *Völkerrechtsdenken* (note 5): 171–72.

In terms of the history of ideology, the use of settler colonialism was an adaptation of early modern strategies of colonial expansion that had occurred out from Europe mainly to the Americas during the sixteenth, seventeenth and eighteenth centuries.¹⁰⁸ Within Japan, this type of expansionist ideology had no predecessor and could not be connected with any manifest process of the expansion of rule. Settler colonialism thus became applied to Japan as a mere concept transferred across cultures. Yet, although he used German *Lebensraum* ideology, Mitsukawa did not adapt all of its implications. Thus he did not underwrite the claim, inherent in the German *Lebensraum* ideology, that the settlers had some fictitious entitlement to impose themselves upon allegedly inferior ‘peoples’, expel them from their places of habitation and even put them to death. Instead, in his radically perverted version, Mitsukawa used Pan-Asianism merely as cheap propaganda in an attempt to justify Japanese aggression in China.¹⁰⁹

To sum up the results so far, the Meiji and subsequent governments employed a concept of colonialism of European provenance, modified and fitted it into their own ideological frameworks. First, they responded to the regime colonialism, to which they became exposed, with an ideology of anti-colonial liberation, while internalizing the rhetoric of “civilization” to enforce harsh measures aimed at transforming structures of the state and society together with patterns of culture. Second, they applied their fusion of the rhetoric of “civilization” with anti-colonial liberation to an expansionist policy, successively applied to Taiwan, to continental East Asia and to the South Pacific. Third, they added policies of settler colonialism and dropped the ideology of anti-colonial liberation. Simultaneously, the perception of colonial rule changed. While, initially, colonial rule was the target of resistance, it turned into a policy of manifesting great-power status. Whereas, in Europe, governments judged great-power status to be a condition for the strategic expansion of colonial rule, at the latest from 1884/85, in Japan, governments pursued their bid for colonial rule to the end of finding recognition as a great power. However, this policy did not flow from a grand strategy, which the Meiji and subsequent governments were repeatedly ad-

108 Harald KLEINSCHMIDT: *Geschichte des Völkerrechts in Krieg und Frieden*, Tübingen: Francke 2013: 136–40, 207–08.

109 See the narrative survey by Gerhard KREBS: *Japan im Pazifischen Krieg*, Munich: Iudicium 2010 (Monographien. Herausgegeben vom Deutschen Institut für Japanstudien, 46): 109–77.

vised to formulate; instead, up until the beginning of the 1930s, they operated flexibly and sought to grab opportunities as they came along.¹¹⁰

European Perceptions of Japan and Ideologies Legitimising Colonial Rule: Empire, “Civilization” and Great-Power Status

In the European making, Japan was an empire already at the turn of the seventeenth century in the technical meaning that the head of the Japanese government became styled “Emperor” appearing as king of kings. The use of the title “Emperor” was based on sixteenth-century Jesuit reports on Japan which had conveyed the impression that the Japanese archipelago was home to several “kingdoms”, whose rulers (*daimyō*) had appeared to European visitors as sovereigns, equipped with autonomous legislative competence.¹¹¹ In accordance with the sixteenth-, seventeenth- and eighteenth-century European hierarchy of rulers’ titles, any ruler positioned above “kings” was to bear the title “emperor” in the sense of a territorial suzerain, while no longer necessarily implying claims to universal rule.¹¹² Therefore, not only the head of the Ming government in Beijing became addressed as “Emperor” but, from 1603 onwards, European authors regularly applied the title “Emperor” to the Shogun as the suzerain above the variety of *daimyō*.¹¹³ However,

110 For details see KLEINSCHMIDT: “Imperium” (note 25): 1331–32.

111 Organtinus BRIxIANUS: “Historica Relatio de omnibus Iaponiae regnis”, edited by John HAY [= Iohannes Hayus], *De rebus Iaponicis et Peruanis epistolae recentiores*, Antwerp: Nutius 1605: 203–32, at 206, 212 [reprint, Tenri: Central Library 1977]. This “rex” was TOYOTOMI Hideyoshi. For a comprehensive study of a single “kingdom” in Kyushu see Arcadio SCHWADE: *Otomo Sorins Kampf um die Rettung seines Landes Bungo und des Christentums in SüdJapan (1578–1587)*. Ph.D. Thesis, typescript, Rome: Gregoriana 1961.

112 Thus already in the imperial propaganda under Maximilian I, who had himself styled as Emperor with the claim to rule over “Seven Kingdoms”, Emperor Maximilian’s notebook of 1502, *Jahrbuch der Kunsthistorischen Sammlungen des Allerhöchsten Kaiserhauses* 1, Reg. nr 230 (1883): XLII.

113 HAY: *De rebus* (note 111). Luís FRÓIS [= Ludovicus Froius]: “De legatione regis cinensivm ad Taicosamam [1596]”, edited by HAY: *De rebus* (note 111): 344. Bernhardus VARENIUS: *Descriptio regni Japoniae*, Chap. 4, Chap. 7, Amsterdam: Elsevier 1649 [German version, edited by Horst HAMMITZSCH and Martin SCHWIND, Darmstadt: Wissenschaftliche Buchgesellschaft 1974: 51–8, 69–74]. François CARON: *Beschrijvinghe van het machtigh Coninckrijck Japan*, Amsterdam: Hartgers 1645 [further edns, *ibid.*: 1648; 1661; German version s.t.: CARON and Jodocus SCHOUTEN: *Wahrhaftige Beschreibung zweyer mächtigen Königreiche, Jappan und Siam*, Nuremberg: Endter 1663; another German edn, *ibid.* 1672; excerpt edited by Peter KAPITZA:

some reports transmitted the assumption that there had been some form of ancient dependence of Japan on China and that this dependence stood against the application of the imperial title for China and Japan alike.¹¹⁴

Japan in Europa, vol. 1, Munich: Iudicium 1990: 560; selections from the German version, edited by Detlef HABERLAND, Stuttgart: Thorbecke 2000 (Fremde Kulturen in alten Berichten, 10)]. Caspar SCHMALKALDEN: *Die wundersamen Reisen des Caspar Schmalckalden nach West- und Ostindien. 1642–1652. Nach einer bisher unveröffentlichten Handschrift*, edited by Wolfgang JOOST, Leipzig: Brockhaus and Weinheim: Acta Humaniora 1983 [second edn, Leipzig: Brockhaus 1989]. Olof Erikson WILLMAN: *Een kort beskriffningh på een reesa till Ostindien och för beskreffne Japan then an Swänsk mann och skeps capiteen*, Wijsingborgh: Kankel 1667: 140–42, using the report by Caron [further edn, Wijsingborgh: Kankel 1674; newly edited by John BERNSTRÖM and Tore WRETÖ, Stockholm: s.n. 1992; English version, edited by Catharina BLOMBERG, Leiden: Global Oriental 2013]. Arnoldus MONTANUS [Arnold van den Berghe]: *Denkwürdige Gesandtschaften der Ost-Indischen Gesellschaft in den Vereinigten Niederlanden an unterschiedliche Keyser von Japan*, Amsterdam: Meurs 1669 [original Dutch version, ibid. 1669]. Christoph FRIK: *Ost-Indianische Raysen- und Krieges-Dienste*, Ulm: Wagner 1692 [rare print: Stadtbibliothek Ulm, shelfmark 6397, 2; new edn, Berlin: Weltgeist-Bücher 1926; excerpts, Hertha von SCHULZ: “Bibliographische Forschungen zur japanischen Kulturgeschichte im Japaninstitut zu Berlin”, *Japanisch-deutsche Zeitschrift* N. F., vol. 1 (1929): 50–54. English version s.t.: Christ FRYKE, Elias HESSE and Christoph SCHWEITZER: *A Relation of Two Several Voyages Made into the East-Indies*, London: Brown et al. 1700; Dutch versions s.t.: Christophorus FRIKIUS, Elias HESSE and Christophorus SCHWEITZER: *Drie seer aanmerkelijke reysen na en door veelerley gewesten in Oost-Indien*, second edn, Amsterdam: Solmans 1705; first published Utrecht: s.n. 1694]. Georg MEISTER: *Der Orientalisch-Indianische Kunst- und Lust-Gärtner*, Chap. 10, new edn, edited by Friedemann BERGER and Wilfried BONSAK, Weimar: Kiepenheuer 1972: 99 [first published, Dresden 1692: Riedel]. Heinrich MUCHE: Dreizehn jährige Ost Indischer Reise Tag Register [typescript of a now lost manuscript, formerly held by the Stadtbibliothek Breslau, Berlin: Ethnologisches Museum der Staatlichen Museen zu Berlin Preußischer Kulturbesitz], partly edited by Wolfgang MICHEL: “*Der Ost-Indischen und angrenzenden Königreiche vornehmste Seltenheiten betreffende kurze Erläuterung*”. *Neue Funde zum Leben und Werk des Leipziger Chirurgen und Handelsmanns Caspar Schamberger (1623–1706)*, Fukuoka 福岡市: Hana Shoin 花書院 2010 (Kyūshū Daigaku Daigaku In Gengo Bunka Kenkyū In FLC 九州大学大学院言語文化研究院 (Kyūshū University. Graduate School. Institute of Language and Culture. Foreign Language Center), 1): 44. Guillaume-Thomas François RAYNAL: *Histoire philosophique et politique des établissements et du commerce des Européens dans les deux Indes*, vol. 1, Geneva: Pellet 1780: 212 [first published, ibid. 1775; English version, Dublin: Exshaw 1779; 1784; London: Strahan Cadell and Davies, and Edinburgh: Mundell 1783; 1798]; reprint of the original, Paris: Bibliothèque des introuvables 2006; reprint of the English version, New York: Negro University Press 1969]. In Chap. 6, p. 65, Varenius styled Toyotomi Hideyoshi “Imperator”.

- 114 VARENIUS, *Descriptio* (note 113): 51. Similarly MONTANUS: *Gesandtschaften* (note 113): 5. On Varen see John Norman Leonard BAKER: “The Geography of Bernhard Varenius”, *Transactions and Papers of the Institute of British Geographers* 21 (1955):. 51–60. Horst Walter BLANKE: “Marco Polo, Bernhard Varenius und Engelbert Kaemp-

However, early in the eighteenth century, Engelbert Kaempfer took issue with this theory, claiming that Japan had had original independence from China, not merely in terms of politics but also of cultural history. Kaempfer used the authority of the Old Testament against the Jesuit theory of Japanese dependence on China, pointing to the myth of the building of the Babylonian Tower. He interpreted this myth as a genuine record of past events and argued that the subsequent populations of China and Japan had acquired their distinct languages through divine verdict while still at Babylon.¹¹⁵ Hence, he concluded, they had obtained their own distinct cultural and political identity already before they had reached the ultimate destination of their migrations out from Babylon. Kaempfer sought to strengthen this argument by letting the subsequent settlers of the Japanese archipelago move through Central Asia and Mongolia rather than through China.¹¹⁶ Kaempfer thus appears to

fer. Vom Hörensagen über die gelehrte Recherche zum Autopsiebericht. Drei Stationen der europäischen Japankunde", Wolfgang GRIEP (ed.): *Bernhard Varenius (1622-1650). Der Beginn der modernen Geographie. Begleitband zur gleichnamigen Ausstellung der Eutiner Landesbibliothek*, Eutin: Eutiner Landesbibliothek 2001 (Veröffentlichungen der Eutiner Landesbibliothek, 5): 36–49 [second edn, *ibid.* 2001]; third edn, *ibid.* 2009]. Siegmund GÜNTHER: *Varenius*, Leipzig: Thomas 1905 [reprint, Amsterdam: Meridian 1970]. Martin SCHWIND: "Die wissenschaftliche Stellung der 'Descriptio regni Japoniae'", BLANKE: "Die Aneignung und Strukturierung von Wissen in der Polyhistorie. Ein Fallbeispiel: Bernhard Varenius"; Reinhard DÜCHTING: "Die *Descriptio Regni Japoniae* in der literarischen Tradition der europäischen 'descriptiones'", Folker E. REICHERT: "Reise- und entdeckungsgeschichtliche Grundlagen der *Descriptio regni Japoniae*", all in Margret SCHUCHARD (ed.): *Bernhard Varenius (1622-1650)*, Leiden: Brill 2004 (Brill's Studies in Intellectual History, 159): XVII–XXXIX, 119–44, 145–62, 163–89. SCHWIND: "Die älteste Japanbeschreibung in europäischer Sprache. Descriptio Regni Japoniae von Bernhard Varen 1649", *Chirigaku hyōron* 地理学評論 (Geographical Review of Japan) 46 (1973): 81–91.

115 Samuel SHUCKFORD [Schuckford]: *Histoire du monde sacrée et profane*, vol. 1, Leiden: Verbeek 1738: 100, 239–41. *Histoire et Mémoires de l'Académie des Inscriptions* 6 (1724): 623–24.

116 Engelbert KAEMPFER: *Geschichte und Beschreibung von Japan*, edited by Christian Wilhelm DOHM, Chap. I, part 6, vol. 1, Lemgo: Meyer 1779: 101 [reprint, edited by Hanno BECK, Stuttgart: Brockhaus 1964 (Quellen und Forschungen zur Geschichte der Geographie und der Reisen, 2)]. The same also in KAEMPFER: "Von dem Uhr sprung der Einwohner", KAEMPFER, *Heutiges Japan*, edited by Wolfgang MICHEL and Barend Jan TERWIEL, Munich: Iudicium 2001 (Kaempfer, Werke, vol. 1): 67–78. Already SCHMALKALDEN: *Reisen* (note 113): 152 [entry into his diary s.d. 22 June 1650], had emphasized the differences between the Chinese and Japanese languages and scripts. On Kaempfer see Beatrice M. BODART-BAILEY: "Kaempfer Restor'd", *Monumenta Nipponica* 43 (1988): 1–33. BODART-BAILEY and Derek MASSARELLA (eds): *The Furthest Goal. Engelbert Kaempfer's Encounter with Tokugawa Japan*, Folkestone: Global Oriental 1995. Gerhard BONN: *Engelbert Kaempfer (1651-1716). Der Reisende und sein Einfluß auf die europäische Bewußtseinsbildung über Asien*, Frankfurt and Bern: Lang

have been among the first European visitors and observers to credit both China and Japan with legal sovereign equality and made explicit his view through the application of the imperial titles to the perceived highest secular rulers of both states.¹¹⁷

Kaempfer also bequeathed to his European audience the view that Japan was a ‘closed state’ in the sense that the government restricted emigration, did not admit permanent diplomatic representatives at its court and insisted on regulating trade with other states. Kaempfer did not only justify these government acts as lawful but even praised them as contributions to the hap-

2003 (Europäische Hochschulschriften, Series III, vol. 968). Yu-Ying BROWN: “Japanese Books and Manuscripts. Sloane’s Japanese Library and the Making of the History of Japan”, Arthur MACGREGOR (ed.): *Sir Hans Sloane*, London: British Museum Press 1994: 278–90. Detlef HABERLAND: *Engelbert Kaempfer 1651–1716. A Biography*, London: British Library 1996 [first published, Bielefeld: Westfalen-Verlag 1990]. HABERLAND (ed.): *Engelbert Kaempfer (1651–1716). Ein Gelehrtenleben zwischen Tradition und Innovation*, Wiesbaden: Harrassowitz 2004 (Wolfenbütteler Forschungen, 104). HABERLAND: “Die Verlorene Handschrift. Das Bild des bedeutenden neulateinischen Gelehrten Engelbert Kaempfer im Licht zweier neuer Funde”, *Neulateinisches Jahrbuch* 8 (2006): 397–408. HABERLAND and Karl August NEUHAUSEN: “*Institutum nimirum est ... in Orientem proficisci*. Ein wiederentdeckter programmatischer Brief Engelbert Kaempfers an Olof Rudbeck (1683)”, *Neulateinisches Jahrbuch* 12 (2010): 105–89, at 113. Hans HÜLS: “Zur Geschichte des Druckes von Kaempfers Geschichte und Beschreibung von Japan und zur sozialökonomischen Struktur von Kaempfers Lesepublikum im 18. Jahrhundert”, *Engelbert Kaempfers Geschichte und Beschreibung von Japan. Beiträge und Kommentar*, Berlin, Heidelberg and New York: Springer 1980: 65–94. IMAI Tadashi [今井正]: “Anmerkungen zu Engelbert Kaempfers Geschichte und Beschreibung von Japan. Ein japanologischer Kommentar”, in: *Engelbert Kaempfers Geschichte* (as above): 95–163. IMAI: “Engelbert Kaempfer und seine Quellen”, “Sprachliche und landeskundliche Anmerkungen zu Engelbert Kaempfers Geschichte und Beschreibung von Japan”, Hans HÜLS and Hans HOPPE (eds): *Engelbert Kaempfer zum 330. Geburtstag*, Lemgo: Wagener 1982 (Lippische Studien, 9): 63–81, 83–121. Sabine KLOCKE-DAFFA, Jürgen SCHEFFER and Gisela WILBERTZ (eds): *Engelbert Kaempfer (1651–1716) und die kulturelle Begegnung zwischen Europa und Asien*, Lemgo: Landesverband Lippe. Institut für Lippische Landeskunde 2003 (Lippische Studien, 18). Josef KREINER: *Kenperu no mita Nihon* ケンペルの見た日本 (Japan as Seen by Kaempfer), Nihon Hōsō Shuppan Kyōkai 日本放送出版協会 1996. Wolfgang MICHEL: “His Story of Japan. Engelbert Kaempfer’s Manuscript in a New Translation”, *Monumenta Nipponica* 55 (2000): 109–20. TAKAHASHI Teruaki [高橋輝暁]: “Japan und Deutschland im 17. und 18. Jahrhundert mit besonderer Berücksichtigung von Wirkungen des deutschen Japan-Forschers Engelbert Kaempfer”, Hans-Jürgen LÜSEBRINK (ed.): *Das Europa der Aufklärung und die aussereuropäische Welt*, Göttingen: Wallstein 2006: 208–27. Barend J. TERWIEL: “Kaempfer and Thai History. The Documents behind the Printed Texts”, *Journal of the Royal Asiatic Society* 1 (1989), pp. 64–80.

117 KAEMPFER: *Geschichte* (note 116): 420.

piness of the Japanese state.¹¹⁸ Thus, contrary to twentieth-century retrospective interpretations,¹¹⁹ Kaempfer's original text, as far as it can be reconstructed, does not testify to the view that Japan was in a way isolated from the rest of the world. Instead, it simply featured a series of early seventeenth-century edicts through which the government in Edo had successively imposed restraints upon its subjects wishing to depart from the archipelago and against certain groups of foreign people seeking admission to the state. However, up until the edict against the admission of ships from foreign countries 異国船打払令 (Ikokuken uchiharai-rei, in force from 1825 to 1842),¹²⁰ the government in Edo did not promulgate any general prohibition against immigration and consistently refrained from fortifying the islands against unwarranted approaches from elsewhere.¹²¹ Based on Kaempfer's

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- 118 Engelbert KAEMPFER: *Amoenitatum exoticarum politico-physico-medicarum fasciculi V*, Fasc. 2, Relatio 14: "Regnum Japoniae optimâ ratione clausum", Lemgo: Meyer 1712: 478–502 [reprint, Tehran: International Organization for Social Services 1976]. KAEMPFER: *Geschichte*, vol. 2 (note 116): 395–96, 410–11, 412–13.
- 119 Karl Wolfgang DEUTSCH: *The Analysis of International Relations*, third edn, Englewood Cliffs: Prentice-Hall 1988: 195 [first published, *ibid.* 1968]. Kalevi Jaako HOLSTI: *International Politics. A Framework for Analysis*, sixth edn, Englewood Cliffs: Prentice-Hall 1992: 86 [first published, *ibid.* 1967]. Thomas SCHLEICH: "Vom Warenumschlag zum Wissenstransfer. Die Anfänge der japanischen Öffnung zum Westen in der Phase des verschlossenen Landes (1640–1853)", Thomas BECK, Annerose MENNINGER and Thomas SCHLEICH (eds): *Kolumbus' Erben. Europäische Expansion und überseeische Ethnien im ersten Kolonialzeitalter*, Darmstadt: Wissenschaftliche Buchgesellschaft 1992: 217–45. Derek MASSARELLA: "Fact, Fiction and Economics. Some Reflections on Engelbert Kaempfer's Contribution to *Sakokuron*", *Chūō Daigaku Jinbunken kiyō* 中央大学人文研紀要 (Report of the Institute of Humanities, Chūō University) 64 (2008): 143–157, at 150. Wolfgang SCHWENTKER: "Staatliche Ordnungen und Staatstheorien im neuzeitlichen Japan", in: Wolfgang REINHARD and Elisabeth MÜLLER-LUCKNER (eds): *Verstaatlichung der Welt?*, Munich: Oldenbourg 1999 (Schriften des Historischen Kollegs, Kolloquien 47): 113–32, at 117.
- 120 Ronald P. TOBY: *State and Diplomacy in Early Modern Japan. Asia in the Development of the Tokugawa Bakufu*, Princeton: Princeton University Press 1984: 168–230. TSUZUKI Chūshichi [都築忠七]: "Japan in 1825. A Crisis in Seclusion", in: TSUZUKI: *The Pursuit of Power in Modern Japan. 1825–1995*, Oxford: Oxford University Press 2000: 19–37. WAKABAYASHI: *Anti-Foreignism* (note 49): 59–68.
- 121 It did so even against advice given to it with the Grotian argument that the sea was open that that, by consequence, any one could come to Japan from anywhere. See HAYASHI Shihei 林子平: *Kaikoku heidan* 海国兵談 (Military Considerations about a Country Open to the Sea, not before 1785), Tonan Sha 図南社 1916: separate pagination, Preface, at 1; Book 1, at 1–3; several new edns, the latest, Daiichi Shobō 第一書房 1976 [also edited by YAMAGISHI Tokuhei 山岸徳平 and SANO Masami 佐野正己: *Shinpen Hayashi Shihei zenshū* 新編林子平全集 (New Edition of the Collected works), vol. 1: Heigaku 兵学, Daiichi Shobō 第一書房 1978: 77–288; Facsimile of

text, however, the notion of the ‘closed state’ found its way into the Japanese lexicon as *sakoku* 鎖国¹²² through an effort to translate into Japanese a ver-

the edn of 1856, *ibid.*: 313–984]. The original of the edn of 1856 is in Munich: Bayerischen Staatsbibliothek (shelfmark: 4° L. jap. E59). Partly translated and edited by Friedrich LEDERER: *Diskurs über die Wehrhaftigkeit einer Seenation*, Munich: Iudicium 2003: 100, 123, 125, 127, 251. Also partly translated by Donald KEENE: *The Japanese Discovery of Europe. 1720–1830*, second edn, Stanford: Stanford University Press 1969: 39–45, 321–22 [first published, London: Routledge & Kegan Paul 1952]. For a study see AMINO Yoshihiko [網野善彦]: “Les Japonais et la mer”, *Annales ESC* 50 (1995): 235–38. AMINO: *Umi to rettō no chūsei* 海と列島の中世 (The Sea and the Archipelago of the Middle Ages), Kōdan Sha 講談社 2003.

- 122 On Sakoku see Walter DEMEL: “Die politischen Ordnungen Japans und Chinas in der Wahrnehmung frühneuzeitlicher europäischer Reiseberichterstatter”, Thomas BECK, Marília DOS SANTOS and Christian RÖDEL (eds): *Barrieren und Zugänge. Die Geschichte der europäischen Expansion. Festschrift für Eberhard Schmitt zum 65. Geburtstag*, Wiesbaden: Harrassowitz 2004: 160–76. Kristof GLAMANN: *Dutch-Asiatic Trade. 1620–1740*, Copenhagen: Danisch Science Press 1958 [second edn, The Hague: Nijhoff 1981]. Grant Kohn GOODMAN: *The Dutch Impact on Japan (1640–1853)*, Leiden: Brill 1967. KAMIGAITO Ken’ichi 上垣外憲一: “Sakoku” no hikaku bunmei ron 「鎖国」の比較文明論 (The Civilization of the “Closed Country” Compared), Kōdan Sha 講談社 1994. KATŌ Eiichi [加藤栄一], “The Japanese-Dutch Trade in the Formative Period of the Seclusion Policy”, *Acta Asiatica* 30 (1976): 34–84. KATŌ Hidetoshi [加藤秀俊]: “The Significance of the Period of National Seclusion Reconsidered”, *Journal of Japanese Studies* 7 (1981): 85–109. Derek MASSARELLA: *A World Elsewhere. Europe’s Encounter With Japan in the Sixteenth and Seventeenth Century*, New Haven and London: Yale University Press 1990: 329–69. NAGAZUMI Yōko [永積洋子]: “Japan’s Isolationist Policy as Seen Through Dutch Source Materials”, *Acta Asiatica* 22 (1973): 18–35. NAGAZUMI: “Sakoku” o minaosu 「鎖国」を見直す (The “Closed Country” Revisited), Kokusai Bunka Kōryū Suishin Kyōkai 国際文化交流推進協会 1999 (Shirīzu Kokusai Kōryū シリーズ国際交流 International Communication Series), 1). Ulrich PAULY: *Sakoku. Zu den Hintergründen von Japans Weg in die nationale Abschließung unter den Tokugawa*, Deutsche Gesellschaft für Natur- und Völkerkunde Ostasiens 1989 (OAG aktuell, 36). TASHIRO Kazui [田代和生]: “Foreign Relations during the Edo-Period. Sakoku Reexamined”, *Journal of Japanese Studies* 8 (1982): 283–306. Ronald P. TOBY: “Reopening the Question of Sakoku”, *Journal of Japanese Studies* 3 (1977): 323–64. M. E. van UPSTALL: “Dutchmen and Japanese in the Eighteenth Century”, Jurrien van GOOR (ed.): *Trading Companies in Asia. 1600–1830*, Utrecht: Hes en de Graaf 1986 (Hes Studies in Colonial and Non-European History, 3): 107–26. On the conceptual history of “sakoku” see W. J. BOOT: “Sakoku ron”. 18 seiki no sei ni okeru Nihon. Nihon ni okeru 18 seiki 「鎖国論」 18 世紀の生における日本. 日本における 18 世紀 (The “Treatise on the Closed Country”. The Presence of the Eighteenth Century in Japan. Japan in the Eighteenth Century), *Rangaku no furontia. Shizuki Tadao no sekai* 蘭学のフロンティア. 志筑忠雄の世界 (The Frontier of Dutch Studies. The World of Shizuki Tadao), Nagasaki Bunkan Sha 長崎文献社 2007: 71–81. ŌSHIMA Akihide 大島明秀: “19 seiki Kokugakusha ni okeru Shizuki Tadao yaku ‘Sakoku ron’ no juyō to Hirata Kokugaku” 19 世紀国学者における志筑忠雄訳「鎖国論」の受容と平田国学 (The Reception of Shizuki Tadao’s Translation of “Closed Country” among Nineteenth-Century National Philologists and the Hirata School of National Philology),

sion of Kaempfer's text.¹²³ While Kaempfer's notion of the 'closed state' triggered few responses in the eighteenth century, it shaped the minds of European and North American policy-makers and intellectuals throughout the nineteenth century, suggesting the view that Japan was an island empire closed to international trade and thus should become "open" to unrestricted trade through efforts of governments in Europe and North America.¹²⁴

In conjunction with the notion of the 'closed state', Kaempfer's application of the imperial style to the Shogun set the standard for the nineteenth-century political terminology and provided the platform for interventionist strategies of European and North American governments. The imperial terminology remained in use even though the imperial title was never claimed by any Japanese government in official correspondence up until and even beyond the Meiji Restoration. Instead, the title most frequently used for the Shogun in messages to European governments or what the Japanese government considered to be the government of a state in Europe,¹²⁵ was *Taikun* 大君, sometimes also *Kun'ō* 君王, manifesting the highest rank of

Nihon bungei kenkyū 日本文芸研究 (Studies in Japanese Culture and Arts) 57 (2005): 39–63. ŌSHIMA: "Kinsei kōki Nihon ni okeru Shizuki Tadao juyō 'Sakoku ron' 近世後期日本における志筑忠雄受容「鎖国論」" (The Reception of Shizuki Tadao's "Closed Country" in Japan during the Late Early Modern Period), *Yōgaku* 洋学 (Annals of the Society for the History of Western Learning in Japan) 14 (2005): 1–32. ŌSHIMA: "Sakoku" to iu gensetsu 「鎖国」という言説 (Views about the so-called "Closed Country"), Kyōto: Mineruva Shobō ミネルヴァ書房 2009: 137–204.

123 Engelbert KAEMPFER: *De beschrijving van Japan*, Amsterdam: Gosse and Neaulme 1729 [new edn, Amsterdam and the Hague: de Jonge 1733]. This version, drawn on the English translation of Kaempfer's original, did contain the chapter on Japan as a "closed state" from the Latin version of 1712. The Dutch version of Kaempfer's text may have been used already in the 1790s as the basis for a translation of Kaempfer's views on Japan by MATSUDAIRA Sadanobu 松平定信 in the latter's essay on the collection of useful Dutch books. For this text see HIRAISHI Naoaki [平石直昭]: "E. Kaempfer's Treatise of Japan's Policy of Seclusion and Its Influence on Japan's Decision to Open the Country", *Japonica Humboldtiana* 3 (1999): 167–81, at 171. A reproduction of the title of the chapter on "Sakoku" in the text translated by Shizuki Tadao 志筑忠雄 in 1801 is in Josef KREINER: "Kaempfer und das europäische Japanbild", Sabine KLOCKE-DAFFA, *Kaempfer* (note 116): 259. An original of the printed edn is on display in the Edo-Tokyo-Museum. An edited version of Shizuki's text is in *Bunmei genryū sōsho* 文明源流叢書 (Library of Sources on Civilization), vol. 3, Kokusho Kankō Kai 国書刊行会 1914: 182–227.

124 KLEINSCHMIDT: *Legitimität* (note 24): 168–72. Bernard SEMMEL: *The Rise of Free Trade Imperialism*, Cambridge: Cambridge University Press 1970.

125 Such as the VOC, which was ranked as the government of some kingdom of the Netherlands throughout most of the seventeenth and the eighteenth centuries.

an executive ruler within but not the head of the state.¹²⁶ Hence, it was not possible within Japanese constitutional theory to equate the *Taikun* with “Emperor”. While the discrepancies between Japanese and European usages of titles did not matter as long as only the Dutch East India Company (VOC) maintained official relations between a European state and Japan, the issue of the choice of titles turned into a political problem of fundamental scale once governments in Europe and North America decided to dispatch official missions to Japan late in the eighteenth century to “open” the state.¹²⁷ From

126 Kaempfer used the terms “Spiritual Emperor”, “born popes” or “the present pontifical idol” for the Tenno, the latter of which Kaempfer’s translator Johann Gaspar Scheuchzer turned into the formula “Japanese Pope”. KAEMPFER: *Japan*, edited by MICHEL (note 116): 124, 125, 174. KAEMPFER: *The History of Japan*, vol. 1, London: Woodward & Davis 1727: 206 [further edns, London: MacLehose 1906; Kyōto: s.n. 1929; Yūsho Dō 有書道 1977; reprints of the edn of 1906, New York: AMS Press 1971; Richmond, SY: Japan Library 1993]. By contrast, Kaempfer styled the Shogun as the temporal emperor, *ibid.*, ed. Michel: 129. According to this model, the Shogun as the bearer of temporal power was legitimate under municipal law, while the Tenno was a spiritual head and, in this capacity, the legitimizer of temporal rule. Kaempfer thus was the first to interpret the Japanese dyarchy as a legally regulated differentiation between spiritual and temporal power. According to Kaempfer, only the holder of temporal power could be the bearer of sovereignty and, in that capacity, the head of the state. For early criticisms of Kaempfer’s interpretation see Julius Heinrich KLAPROTH: “Account of Japan”, *Asiatic Journal* N.S. 6 (1831): 192–207, at 196. KLAPROTH: “Notice sur le Japon”, *Nouvelles annales des voyages*, Series 2, vol. 29 [= vol. 59 of the entire series] (1833): 281–311, at 295–96. On Klaproth see Hartmut WALRAVENS: *Julius Klaproth (1783–1835). Leben und Werk*, Wiesbaden: Harrassowitz 1999 (Orientalistik-Bibliographien und Dokumentationen, 3). WALRAVENS: *Zur Geschichte der Ostasienwissenschaften in Europa. Abel Rémusat (1788–1832) und das Umfeld Julius Klaproths (1783–1835)*, Wiesbaden: Harrassowitz 1999 (Orientalistik-Bibliographien und Dokumentationen, 5). But these criticisms remained confined to the academic “Orientalist” discourse and did not penetrate into general public conscience.

127 William George ASTON: “Russian Descent in Saghalien and Itorup in the Years 1806–7”, *Transactions of the Asiatic Society of Japan*. First Series, vol. 1 (1874): 86–95 [reprinted, ASTON: *Collected Works*, edited by Peter Francis KORNICKI, vol. 1, Bristol and Tokyo: Ganesha 1997: 19–29]. Glynn BARRATT: *Russia in Pacific Waters. 1715–1825*, Vancouver: University of British Columbia Press 1981. Edgar FRANZ: “Siebold’s Endeavors in the Year 1852 to Induce the Russian Government to Initiate Activities for the Opening of Japan”, *Bunka 文化* (Culture, Tōhoku University 東北大学), vol. 66, nrs 1–2 (2002): 167–86. FRANZ and YOSHIDA Tadashi [吉田忠]: “Philipp Franz von Siebold’s Correspondence with Leading Russian Diplomats 1852–1853 in the Context of the Endeavors to Open Japan for Trade and Navigation”, *Tōhoku Ajia kenkyū* 東北アジア研究 (Tōhoku Asian Studies) 7 (2003): 125–46. FRANZ: “Siebold’s Influence on the Instructions of the Russian Government to Admiral Putiatin, Commander of the Russian Expedition to Japan in 1852”, *Bunka 文化* (Culture, Tōhoku University 東北大学), vol. 66, nrs 3–4 (2003): 137–56. FRANZ: *Philipp Franz von Siebold and Russian Policy and Action on Opening Japan to the West in the Middle of the Nineteenth*

the European and North American point of view, states had to be “opened” for unrestricted international trade through government activity establishing formal inter-state relations on the basis of treaties under international law rather than through privileges arranged with trading companies. After the Bakufu had refused to accept several expeditions sent to Japan from Russia, the USA and the UK between the 1780s and the 1840s, the US government, in 1851,¹²⁸ decided to draw on Kaempfer’s application of the imperial title

Century, Munich: Iudicium 2005. Michael HENKER (ed.): *Philipp Franz von Siebold (1796–1866). Ein Bayer als Mittler zwischen Japan und Europa*, Munich: Haus der Bayerischen Geschichte 1993 (Veröffentlichungen zur bayerischen Geschichte und Kultur, 25/93). Hans KÖRNER: *Die Würzburger Siebold*, Neustadt/Aisch: Degener 1967 (Deutsches Familienarchiv, 34/35) [also, Leipzig: Barth 1967 (Lebensdarstellungen deutscher Naturforscher, 13)]. Arlette KOUWENHOVEN and Matthis FARRER: *Siebold and Japan*, Leiden: Hotei 2000. KURE Shūzō [呉秀三]: *Philipp Franz von Siebold. Leben und Werk*, 2 vols, edited by Hartmut WALRAVENS, Munich: Iudicium 1997 (Monographien aus dem Deutschen Institut für Japanstudien, 17) [first published, Tohō Dō 吐鳳堂 1926)]. KUTSUZAWA Nobutaka [沓澤宣賢]: “The Activities of Philipp Franz von Siebold During His Second Stay in Japan, Particularly His Diplomatic Activities in Nagasaki, Yokohama and Edo”, Arnulf THIEDE, HIKI Yoshiki [比企能城] and Gundolf KEIL (eds): *Philipp Franz von Siebold and His Era*, Berlin, Heidelberg and Tōkyō: Springer 2000: 101–03 [first published, *Yōgaku* 洋学 (Annals of the Society for the History of Western Learning in Japan) (1996): 196–209]. George Alexander LENSEN: “The Historicity of Frigate Pallada”, *Monumenta Nipponica* 8 (1953): 462–66. LENSEN: “Russians in Japan. 1858–1859”, *Journal of Modern History* 26 (1954): 162–73. LENSEN: “The Russo-Japanese Frontier”, *Florida State University Studies* 14 (1954): 23–40. LENSEN: *Russia’s Japan Expedition of 1852 to 1855*, Gainesville: University of Florida Press 1955 [reprint, Westport, CT: Greenwood 1982]. LENSEN: “The Importance of Tsarist Russia to Japan”, *Contemporary Japan* 24 (1957): 626–39. LENSEN: *The Russian Push Toward Japan. Russo-Japanese Relations. 1697–1875*, Princeton: Princeton University Press 1959 [reprint, New York: Octagon Books 1971]. John MACLEAN: “Philipp Franz von Siebold and the Opening of Japan (1843–1860)”, Pieter Hendrik POTT (ed.): *Philipp Franz von Siebold. A Contribution to the Study of Historical Relations between Japan and the Netherlands*, Leiden: Netherlands Association for Japanese Studies 1978: 53–95. William W. MCOMIE: “The Russians in Nagasaki. 1853–54”, *Acta Slavica Japonica* 13 (1995): 42–60. MCOMIE: *Opening* (note 41): 135–279, 456–65. Herbert PLUTSCHOW: *Philipp Franz von Siebold and the Opening of Japan. A Re-Evaluation*, Folkestone: Global Oriental 2007: 47–101, 149–64. Martin RAMMING: “Über den Anteil der Russen an der Eröffnung Japans für den Verkehr mit den westlichen Mächten”, *Mitteilungen der Deutschen Gesellschaft für Natur- und Völkerkunde Ostasiens*, vol. 31, part B (1926): 1–34. RAMMING: “Einige Mitteilungen über die Mission Putiatin’s aufgrund japanischer Quellen”, *Bochumer Jahrbuch zur Ostasienforschung* 5 (1982): 323–51. YASUDA Kōichi [保田孝一]: “Siebold and the Russian Government. Introduction from a Newly Discovered Collection of Letters”, KIMURA Yōjirō [木村陽二郎] and Valerii Ivanonič GRUBOV (eds): *Siebold’s Florilegium of Japanese Plants*, vol. 2: Articles and Catalog, Maruzen 丸善 1994: 35–40.

- 128 Daniel WEBSTER: [Letter to John H. Aulick, dated 10 June 1851], *The Papers of Daniel Webster*, edited by Kenneth E. SHEWMAKER and Kenneth R. STEVENS, Series 3:

to the Shogun.¹²⁹ Consequently, the US government made what appeared to itself as the self-evident decision to direct the mission to Edo in 1853 and

Diplomatic Papers, vol. 2, Hanover, NH, and London: University Press of New England 1983: 290–91.

- 129 On the US expedition see the contemporary printed reports by Francis Lister HAWKS: *Japan Opened. Compiled Chiefly from the Narrative of the American Expedition to Japan in the Years 1852–3–4*, London: Religious Tract Society 1858 [second edn, *ibid.* 1861; reprint, Ganesha 2008 (Japan in English. Key Nineteenth-Century Sources on Japan. 1850–59, First Series, vol. 3); also published s.t. *Narrative of the Expedition of an American Squadron to the China Seas and Japan under the Commodore M[atthew] C[albraith] Perry, United States Navy*, Washington: Beverly Tucker and New York: Applteton 1856; newly edited, New York: Appleton 1857; reprints, New York: Coward-McCann 1952; New York: AMS Press 1967; Stroud: Nonsuch 2005]. Henry Franklin GRAFF (ed.): *Bluejackets with Perry in Japan. A Day to Day Account Kept by Masters Mate John R. C. Lewison and Cabin Boy William B. Allen*, New York: New York Public Library 1952 [reprint, edited by William Gerald BEASLEY, Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1854–1854, vol. 4)]. Wilhelm HEINE: *Reise um die Erde nach Japan*, Leipzig: Purfürst 1856 [English version, edited by Frederic TRAUTMANN, Honolulu: University of Hawaii Press 1990]. Henry HEUSKEN: *Japan Journal 1855–1861*, edited by Jeannett C. van der CORPUT and Robert Arden WILSON, New Brunswick: Rutgers University Press 1964 [reprint, Ann Arbor: University Microfilms International 1988]. Richard HILDRETH: *Japan as it is and was*, Boston: Phillips & Sampson 1855 [newly edited by Ernest Wilson CLEMENT, London: Kegan, Paul & Co 1907; reprint of the original, Wilmington: Scholarly Resources 1973]. Joseph Henrij LEVYSSOHN: *Bladen over Japan*, The Hague: Belinfante 1852: 66–124. Roger PINEAU (ed.): *The Japan Expedition. 1852–1854. The Personal Journal of Commodore Matthew [Calbraith] Perry*, Washington: Smithsonian Institution Press 1968 (Smithsonian Institution Publication, 4743) [reprint, Richmond, SY: Japan Library 2002]. Edward Yorke MCCAWLEY: *With Perry in Japan. The Diary*, edited by Allan Burnett COLE, Princeton: Princeton University Press 1942. James MORROW: *A Scientist with Perry in Japan. The Journal*, edited by Allan Burnett COLE, Chapel Hill: University of North Carolina Press 1947. Aaron Haight PALMER (ed.): *Documents and Facts Illustrating the Origin of the Mission to Japan*, Washington, DC: Polkinhorn 1857 [reprints, Wilmington: Scholarly Resources 1973; edited by William Gerald BEASLEY, Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1853–1854, vol. 2)]. George Henry PREBLE: *The Opening of Japan. A Diary of Discovery in the Far East. 1853–1856*, edited by Boleslaw SZCEZESNIAK, Norman: University of Oklahoma Press 1962. John SEWALL: *The Logbook of the Captain's Clerk. Adventures in the China Seas*, Bangor, ME: Glass 1905. J. W. SPALDING: *The Japan Expedition*, New York: Redfield and London: Sampson Low 1856 [reprint, edited by William Gerald BEASLEY, Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1853–1854, vol. 3); another reprint, Ganesha 2007 (Japan in English. Key Nineteenth-Century Sources on Japan. 1850–59, Second Series, vol. 42)]. John Glendy SPROSTON: *A Private Journal*, edited by SAKANISHI Shio [坂西志保], Sophia University 1940 [reprint, Sophia University and Tuttle 1968; another reprint, edited by William Gerald BEASLEY, Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1853–1854, vol. 5)]. Bayard TAYLOR: *A Visit to India, China and Japan in the Year 1853*, edited by George Frederick PARDON, London: Sampson Low and Edinburgh: Blackwood 1859 [first

request the signing of a formal treaty with the Shogun on the establishment of peace, friendship and trade.¹³⁰ It did so in pursuit of the positivist expectation that Japan was not a member of the “international legal community” and that the treaty was required as the tool for laying the legal foundations for the establishment of diplomatic relations. Following US precedence, all subsequent missions except the British expedition arriving under unusual conditions at Nagasaki in 1854,¹³¹ moved to Edo under the postulate that

published, New York: Putnam and London: Sampson Low 1856; reprint, Ganesha 2002 (Japan in English. Key Nineteenth-Century Sources on Japan. 1850–59. First Series, vol. 2)]. Robert TOMES: *The Americans in Japan. An Abridgment of the Government Narrative of the US Expedition to Japan under Commodore Perry*, New York: Appleton 1857 [reprints, Wilmington: Scholarly Resources 1993; Richmond, SY: Japan Library 2002].

130 On the treaty negotiations see: HAWKS: *Narrative* (note 129): 239–40, 244, 256–57, 259–60. PINEAU: *Expedition* (note 129): 105, 168–69. TAYLOR: *Visit* (note 129): 197, 211. Samuel Wells WILLIAMS: “A Journal of the Perry Expedition to Japan”, edited by Frederick Wells WILLIAMS, *Transactions of the Asiatic Society of Japan*. First Series, vol. 37, part II (1910): 129 [reprint, edited by William Gerald BEASLEY, Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1853–1854, vol. 6)]. The US Minister of the Navy, James Cochrane DOBBIN, had opted for defensive negotiation tactics in his letter to Perry dated 14 November 1853, United States 33rd Congress, Second Session, Senate, *Correspondence Relative to the Naval Expedition to Japan*, Document Nr 34, Washington, DC: GPO 1853: 57. Japanese reactions towards Perry’s negotiation tactics have been recorded in comments by TOKUGAWA Nariaki 徳川斉昭 (dated 14 August 1853) and Ii Naosuke 井伊直弼 (dated 7 October 1853), *Select Documents on Japanese Foreign Policy. 1853–1868*, edited by William Gerald BEASLEY, London: Oxford University Press 1955: 102–03, 106, 118–19 [reprints, *ibid.* 1967; Richmond, SY: Japan Library 2002 (The Perry Mission to Japan 1854–1854, vol. 2)]. For criticism of Perry’s tactics on the US side see the comments by John RODGERS: *Yankee Surveyors in the Shogun’s Seas*, edited by Allan Burnett COLE, Princeton: Princeton University Press 1947: 61–2 [reprint, New York: Greenwood 1968]. WILLIAMS: “Journal” (as above): 129, 158. For the production of the first version of the treaty, as written by Perry, see: HAWKS: *Narrative* (note 129): 409–10. *Dai Nihon ishin shiryō* 大日本維新史料 (Sources on the Meiji Restoration in Japan), vol. 2, part 3, Tōkyō Teikoku Daigaku Shiryō Hensan Jo 東京帝国大学史料編纂所 1882: 402 [microfiche reprint, Tōkyō Daigaku Shiryō Hensan Jo 東京大学史料編纂所 1997]. For studies of the negotiations see MITANI, *Escape* (note 41): 182–98. MITANI: “The Transformation of Diplomatic Norms in East Asia during the Nineteenth Century. From Ambiguity to Singularity”, *Acta Asiatica* 93 (2007): 29–59. MCOMIE: *Opening* (note 41): 90–134, 228–79. Conrad D. TOTMAN: “Political Reconciliation in the Tokugawa Bakufu. Abe Masahiro and Tokugawa Nariaki. 1844–1852”, Albert M. CRAIG and Donald Howard SHIVELY (eds): *Personality in Japanese History*, Berkeley and Los Angeles: University of California Press 1970: 180–208.

131 The core sources on Stirling’s expedition are *Correspondence Respecting the Late Negotiations with Japan*, London: HSMO 1856 (Parliamentary Papers 1856, vol. 61 = Command Paper, 2077): 220–21, 225 *Dai Nihon komonjo* 大日本古文書 (Ancient

the Shogun as the “Emperor” was not merely the head of the government but also the head of the state.

But Kaempfer’s interpretation stood in stark contrast against Japanese constitutional law according to which not the Shogun, but solely the Tennō was entitled to make out formal, legally binding arrangements with governments of other states. The clash between Japanese constitutional law and European political perceptions of Japan as a state entailed serious problems for the framing of agreements. Indeed, some of the treaties that the government of the Shogun had been pressured to sign between 1854 and 1867, featured the imperial title for the Shogun in their non-Japanese versions.¹³² After the Meiji Restoration, the imperial terminology gradually entered Japanese political diction through the translation of the new term *teikoku* (帝国) into “Empire” in official texts written in English.¹³³ Upon the enforcement of the Constitution of Japan, the title “Emperor” obtained official status.¹³⁴ At the latest by that time, the imperial terminology had become an integral part of official political diction as applied to the state.

As Japan was an Empire, the imperial terminology was not available in legal and administrative diction for any territory under the control of the Japanese government outside the archipelago and therefore not considered as

Records of Japan). *Bakumatsu gaikoku kankei monjo* 幕末大黒関係文書 (Records of the Relations with Foreign Countries at the End of the Tokugawa Period), vol. 7, nr 18, 55, 79, 85, 133, 137, 141, 142, 148, 151, Tōkyō Teikoku Daigaku Bunka Daigaku Shiryō Hensan Gakari 東京帝国大学文科大学史料編纂係 1915: 39–63, 147–50, 214–17, 247–53, 374–83, 385–90, 408–10, 410–18, 425–27, 439–41. Jan Hendrik DONKER CURTIUS: *Bakumatsu Dejima mikōkai monjo* 幕末出島未公開文書 (A Record of the Announcement of the Opening of Dejima at the End of the Tokugawa Period). *Donkeru Kuruchiusu oboegaki* ドンケルクルチウス覚書 (The Memoirs of Donker Curtius), edited by VOS [-KOBAYASHI] Miyako フォス [小林] 美弥子, Ōrai Sha 往来社 1992: 90–100.

132 Bilateral agreements featuring the imperial title are the Treaty between Japan and the United Kingdom, dated 26 August 1858, *Treaties* (note 37): 111–29; also, CTS, vol. 119 (1969): 402–12; the Treaty between France and Japan, dated 9 October 1858, in: *ibid.*: 130–50; also, CTS, vol. 120 (1969): 8–20; the Treaty between Japan and Portugal, dated 3 August 1860, *ibid.*: 151–70; also, CTS, vol. 122 (1969): 306–16.

133 Early cases are recorded in the Treaty between Japan and the North German Confederation 1869 (note 39); and in the Treaty between Austria-Hungary and Japan 1869 (note 40).

134 Reproduced in TAKII Kazuhiro [瀧井一博]: *The Meiji Constitution*, International House of Japan 国際文化会館 2007: 150. The constitution had been explained to an English speaking audience already by ITŌ Hirobumi [伊藤博文]: *Commentaries on the Constitution of the Empire of Japan*, Igrisu Hōritsu Gakkō イギリス法律学校 1889 [second edn, Chūō University 中央大学 1906; reprints, Westport, CT: Greenwood 1978; Washington, DC: University Press of America 1979].

part of the territory of the Japanese state. Therefore, even the staunchest propagandists of Japanese colonial expansion could not avail themselves of any part of imperialist rhetoric in connection with official government policy. *Teikoku shugi* 帝國主義, the dictionary equation for imperialism, remained applicable, as a rule, for strategies of the expansion of colonial rule by governments other than that of Japan. The identification of colonialism with imperialism, postulated as a global feature, is characteristic of the Western concept of colonialism and, at the same time, the core element of the Japanese perception of European colonial rule.¹³⁵

However, in its bid for the recognition as a great power, the Meiji government implemented the logic, though not the phraseology, of colonialism as imperialism. It did so in an effort to level Japan as a state up to the standard of “civilization”. In its relations with governments in East Asia and the Pacific, the Meiji government proclaimed the goal of acknowledging the sovereign equality of states, thereby implementing the European concept of sovereignty as the legal base for stipulating reciprocity and, simultaneously, rejecting traditional claims for suzerainty on the side of the Qīng government.¹³⁶ At the same time, the Meiji government started to emulate the European and North American practice of using the treaty formulary to manifest its great-power status by insisting upon the concession of extraterritoriality and consular justice in its treaties with China and Korea.¹³⁷ In other

135 KŌTOKU: *Teikoku shugi*, Chap. 1 (note 90): 19. For an early research report on imperialism see YANAIHARA Tadao: *Teikoku shugi kenkyū* 帝國主義研究 (Research on Imperialism), Hakujitsu Shoin 白晝書院 1948 [reprinted, *Yanaihara Tadao zenshū* 矢内原忠雄全集, vol. 4, Iwanami Shoten 岩波書店 1963: 1–340]. For the Western concept of colonialism as imperialism see BAYLY: “Age” (note 34).

136 Treaty between Hawaii and Japan, dated 19 August 1870, *Treaties* (note 37): 550–53; also, *CTS*, vol. 141 (1973): 448–50. Treaty between China and Japan, 1872, *CTS*, vol. 144 (1973): 140–48. Treaty between Japan and Korea, dated 26 February 1876, *CTS*, vol. 150 (1981): 324–27.

137 On extraterritoriality, including the operations of consular courts, see Pär CASSEL: *Grounds of Judgment. Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*, Oxford: Oxford University Press 2012. Richard Taiwon CHANG: *The Justice of the Western Consular Courts in Nineteenth-Century Japan*, Westport, CT: Greenwood 1984, esp. 52 (Contributions in Intercultural and Comparative Studies, 10). James E. HOARE: “Extraterritoriality in Japan”, *Transactions of the Asiatic Society of Japan*, Third Series, vol. 18 (1983): 71–97. HOARE: *The Uninvited Guests. Japan's Treaty Ports and Foreign Settlements. 1858–1899*, Folkestone: Japan Library 1994. Yuki Allyson HONJO: *Japan's Early Experience of Contract Management in the Treaty Ports*, London: Japan Library 2003 (Meiji Japan Series, 10) [further edn, Hoboken: Taylor and Francis 2013]. Douglas R. HOWLAND: “The Foreign and the Sovereign. Extraterritoriality in East Asia”, HOWLAND and Luise WHITE (eds): *The State of*

words, the Meiji government, early on, implemented the European strategies of combining the legal fiction of sovereign equality with the bid for the establishment of hierarchies and its bid for recognition as a great power.¹³⁸

Sovereignty. Territories, Laws, Populations, Bloomington: Indiana University Press 2009: 35–55. Francis Clifford JONES: *Extraterritoriality in Japan and the Diplomatic Relations Resulting from Its Abolition. 1853–1899*, edited by Jerome D. GREEN, New Haven and London: Yale University Press 1931 [reprint, New York: AMS Press 1970]. Turan KAYAOĞLU: *Legal Imperialism. Sovereignty and Extraterritoriality in Japan, the Ottoman Empire and China*, Cambridge: Cambridge University Press 2010. George Williams KEETON: “Extraterritoriality in International and Comparative Law”, *Recueil des cours* 72 (1948, Part I): 284–391. Christopher ROBERTS: *The British Courts and Extra-Territoriality in Japan. 1859–1899*, Leiden: Brill 2013; further edn, Leiden: Global Oriental 2014]. ROBERTS: “British Lawyers in Japan”, Hugh CORTAZZI (ed.): *Britain and Japan*, vol. 8, Leiden: Brill 2013: 147–63. Ian RUXTON: “The Ending of Extra-Territoriality in Japan”, Bert EDSTROM (ed.): *Turning Points in Japanese History*, Richmond, SY: Japan Library 2002: 84–101. Even after World War II, British lawyer KEETON: “Extraterritoriality” (as above): 332–36, 350–59, tried to defend the position that most of the nineteenth-century unequal treaties, constituting extraterritoriality, had been concluded voluntarily among fully sovereign states, that, by consequence, no force had been applied, and that, at the time of the conclusion of these treaties, most signatory partners of the European and US governments had not been members of the so-called “family of nations”, thus allegedly not ready for equal treatment under the law. Hence, he then continued to adhere to the view that the European public law of treaties among states was not applicable to agreements between European and the US governments on the one side and, on the other, governments of sovereign states in most other parts of the world.

- 138 Still in 1901, after the conclusion of the Anglo-Japanese Alliance, the British, German and Russian governments agreed that the Meiji-Government did not have the financial resources required for an attack on Russia. See Frank C. LASCELLES: [Letter to the Marquis of Lansdowne, 25 August 1901], George Peabody GOOCH and Harold William Vazeille TEMPERLEY (eds): *British Documents on the Origin of the War*, vol. 1, London: HMSO 1926: 259–61, at 260: “As it was evidence that the Emperor was under the impression that Japan had been badly treated by His Majesty’s Government, I said, against the risk of being indiscreet, that not only had His Majesty’s Government the earnest desire of being on the best terms with Japan, but had even offered her pecuniary assistance, which, however, had been refused, and had given rise to the suspicion that she might have come to terms with Russia. The Emperor replied that he had ascertained from His Ambassador at St. Petersburg that the Russian Government had been under no apprehension as to the possible action of Japan, as they had assured that His Majesty’s Government had declined to afford her financial assistance, and she was too poor to go to war, and this information had been confirmed by the German Legation at Tokio, who had reported that the Japanese had been grievously disappointed at the want of support they had received from His Majesty’s Government, who they considered had left them in the lurch at a critical moment. I asked His Majesty if he could give me the date, on which he received this information, which I could not help thinking was founded on some misunderstanding, but His Majesty did not remember the exact date, which I presume must have been about the time when the Russians were pressing the Chinese to sign the Manchurian Agreement.”

Explicitly, the Meiji government acted as the conveyor of “civilization” under the shelter of Pan-Asianism vis-à-vis Taiwan, China and Korea.¹³⁹

Yet, in striving to manifest its bid for recognition as a great power, the Meiji government left unused further elements of colonial ideologies. Euro-

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- 139 Henry Willard DENISON: [The Application of Japan's New Treaties to Taiwan] [26 April 1898, GAIMU SHŌ SHIRYŌ KAN 1,5,3,8, fol. 1^v], and Montague KIRKWOOD: [The Position of Taiwan and the Constitution. 12. Juli 1898. GAIMU SHŌ SHIRYŌ KAN, 1,5,3,8], in their opinions for the Meiji government, recommended the application of the British practice of colonial rule with the argument that the British government treated the inhabitants of the “dependencies, protectorates and colonies” under its control according to the degree of “civilization” ascribed to them. They also believed that the British government was appropriately enforcing laws “suited to the particular inhabitants, customs and condition of the country in question” (KIRKWOOD, as above: 20^f). Denison, a US citizen, took the view that most of the inhabitants of Taiwan were “unprepared for the enforcement of such a system of laws” as valid in Japan (DENISON, as above: 3^{r-v}) and Kirkwood, a British national, was of the opinion that it would be impossible for a long time “to subject them to any complete system of law” (KIRKWOOD, as above, 7ⁱ). Accordingly, both of them advised the Meiji government to enact new laws only for the Japanese population residing in Taiwan, establish legal pluralism and thereby segregate the native population under native customs. Yet the Meiji government refused to act in accordance with these apartheid principles. On the issue see MIWA, “Theories” (note 76): 166. On the notion of legal pluralism and its enforcement under colonial rule see Lauren A. BENTON and Richard Jeffrey ROSS (eds): *Legal Pluralism and Empires. 1500–1850*, New York: New York University Press 2013. Ralf SEINECKE: *Das Recht des Rechtspluralismus* (Grundlagen der Rechtswissenschaft, 29), Tübingen: Mohr Siebeck 2015: 291–92. Peer ZUMBONSEN: “Law and Legal Pluralism. Hybridity in Transnational Governance”, Paulius JURČYS, Poul F. KJAER and YATSUNAMI Ren [八並 廉] (eds): *Regulatory Hybridization in the Transnational Sphere*, Leiden: Nijhoff 2013: 49–71. On Korean responses towards Japanese colonial attitudes see Peter DUUS: *The Abacus and the Sword. The Japanese Penetration of Korea. 1895–1910*, Berkeley and Los Angeles: University of California Press 1995: 29–102, 169–200. HORI Kazuo 堀和生: *Chōsen kōgyōka no shiteki bunseki* 朝鮮工業化の史的 analysis (Historical Analysis of the Industrialization of Korea), Yūhikaku 有斐閣 1995 (Kyoto Daigaku keizaigaku sōsho 京都大学経済学叢書, 2): 266–308. KIM Han-Kyo: “The Japanese Colonial Administration in Korea”, Andrew NAHM (ed.): *Korea under Japanese Colonial Rule*, Kalamazoo: Western Michigan University. Center for Korean Studies 1973: 41–53. KU Dae-Yeol: *Korea under Colonialism. The March First Movement and Anglo-Japanese Relations*, Seoul: Seoul Computer Press 1985. LEE Chul-Woo: “Modernity, Legality and Power under Japanese Rule”, in: SHIN Gi-Wook and Michael ROBINSON (eds): *Colonial Modernity in Korea*, Cambridge, MA: Harvard University Asia Center 1999: 21–51. MIWA Kimitada: “Fukuzawa Yukichi's Departure from Asia”, Edmund SKRZYPCZAK (ed.): *Japan's Modern Century*, Sophia University and Tuttle 1968: 1–26. André SCHMID: *Korea between Empires. 1895–1919*, New York: Columbia University Press 2002: 103–19. HISHIDA: *Position* (note 41). HISHIDA: *Japan among the Great Powers. A Survey of Her International Relations*, London: Longman 1940. HISHIDA: “Manchurian Incident, Embargo and Neutrality, ‘Aggressor’, Kellogg Pact, League, American ‘Birthright’”, Peter O’CONNOR (ed.): *Japanese Propaganda*, vol. 6: *Retreat from Internationalism (1932–1939)*, Tōkyō and Folkestone: Global Oriental 2005.

pean and North American legal theorists created concoctions of ‘nomadism’ in conjunction with allegations of some lack of self-governing capability to justify gross interventions by European governments into domestic affairs of states in Africa, West, South and Southeast Asia as well as the South Pacific.¹⁴⁰ European and the US governments used these concoctions as pretexts

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- 140 Lassa Francis OPPENHEIM: *International Law*, vol. 1, London and New York: Longman 1905: 281 [second edn, *ibid.* 1912; third edn, edited by Ronald F. ROXBURGH, *ibid.* 1920–1921; fourth edn, edited by Arnold Duncan MCNAIR, *ibid.* 1926; fifth edn, edited by Hersch LAUTERPACHT, *ibid.* 1935; sixth edn, edited by Hersch LAUTERPACHT, *ibid.* 1944; seventh edn, edited by Hersch LAUTERPACHT, *ibid.* 1948; 1952–1953; eighth edn, edited by Hersch LAUTERPACHT, *ibid.* 1955; 1957; 1963; ninth edn, edited by Robert Yewdall JENNINGS and Andrew WATTS, Harlow: Longman 1992; 1996; 2008]. HOLT-ZENDORFF: “Staaten” (note 60): 115–16. KUNZ: “Begriff” (note 19): 86–99. Franz von LISZT: *Das Völkerrecht systematisch dargestellt*, ninth edn, Berlin: Haering 1913: 46–7 [first published, *ibid.* 1898; second edn, *ibid.* 1902; third edn, *ibid.* 1904; fourth edn, *ibid.* 1906; fifth edn, *ibid.* 1907; sixth edn, *ibid.* 1910; seventh edn, *ibid.* 1911; eighth edn, *ibid.* 1912; tenth edn, Berlin: Springer 1915; eleventh edn, *ibid.* 1918; 1920; 1921; twelfth edn, edited by Max FLEISCHMANN, *ibid.* 1925; reprint of the original edn, Charleston: Bibliolife 2009], claimed that only states could be “subjects of international law”, and concluded apodictically: “Subjekte des Völkerrechts sind daher nicht: 1. Nomadisierende Stämme. Die mit ihnen geschlossenen Verträge können völkerrechtlich nicht als Rechtstitel für derivativen Erwerb, sondern nur als Beweismittel für tatsächliche Besitzergreifung in Betracht kommen. 2. Die von einzelnen oder von privaten Gesellschaften ausgehenden kolonisatorischen Unternehmungen.” Likewise Pasquale FIORE: *Nouveau droit international publique*, second edn, vol. 1, Paris: Pédone 1885 (*Bibliothèque internationale et diplomatique*, 11): 301 [first French edn, *ibid.* 1868; first published, Milan: Casa Editrice e Tipografica 1865; second Italian edn, Turin: Unione Tipografico Editrice 1879; 1882; 1884]. “Les peuples nomades, qu’ont une organisation politique et qui sont représentés par des chefs, ne peuvent pas prétendre à la personnalité internationale.” Hannis TAYLOR: *A Treatise on International Public Law*, Chicago: Callaghan 1901: 174, posited: “Protected states not persons in international law”. Emanuel von ULLMANN: *Völkerrecht*, second edn, Tübingen: Mohr 1908 (*Das öffentliche Recht der Gegenwart*, 3): 313 [first published, *ibid.* 1898], proclaimed: “Übrigens ist seitens der zivilisierten Völker wilden und barbarischen Stämmen nicht einmal beschränkte völkerrechtliche Persönlichkeit eingeräumt.” Heinrich TRIEPEL: *Die Zukunft des Völkerrechts*, Leipzig and Dresden: Teubner 1916 (*Vorträge der Gehe-Stiftung*, Heft 8, Nr 2): 12, called into question the decisions of the Berlin Africa Conference and pontificated: “die Kongoakte von 1885, deren kulturelle Grundgedanken von unseren Gegnern zum Schaden der ganzen weißen Rasse so schmäählich missachtet worden sind, kann in ihrer jetzigen Form schwerlich bestehen bleiben. Zahllose Einzelverträge, die unter den Kriegsparteien vor dem Kriege bestanden, werden durch die Friedensschlüsse und später ergänzt oder verändert werden.” For contemporary criticism of these positions see Henri BONFILS: *Manuel de droit international public (droit des gens)*, sixth edn, Paris: Rousseau 1912: 360 [first published, *ibid.* 1894; second edn, *ibid.* 1898; third edn, *ibid.* 1901; 1904; fourth edn, *ibid.* 1905; fifth edn, *ibid.* 1908; seventh edn, *ibid.* 1914; eighth edn, Paris: Waterlin 1921–1926]. Charles CALVO: *Le droit international théorique et pratique*, fifth edn, vol. 1, Paris: Rousseau 1896 [first published, *ibid.* 1868;

to justify the conclusion and the ratification of treaties granting what they gave out as “protection” to their treaty partners in Africa, West, South and Southeast Asia as well as the South Pacific and tacitly aimed at occupation and even annexation. The governments of larger states in Europe and North America further associated the claimed status of “civilization” with great-power status as an indicator for hierarchies among member states of the “international legal community”.¹⁴¹ Within the “community”, the great powers appeared to be defined as governments of states with the capability of conducting ‘world politics’ (*Weltpolitik*) in the sense of making their decisions felt at any spot on the globe at their own discretion and of creating perceptions of interdependence of their respective decisions with those of all other great powers, again with respect to any part of the globe.¹⁴²

In summary, claiming great-power status through the expansion of colonial rule and regime colonialism was an integral element of those European and North American governments that sought to position themselves as agents of ‘world politics’ in the sense that this concept was given at the turn of the twentieth century. As members of the “international legal community”,

second edn, *ibid.* 1872; third edn, *ibid.* 1880; fourth edn, *ibid.* 1887]: 207–08: “les peuples nomades n’ayant ni territoire propre ni domicile fixe, ne sauraient être considérés comme des États, mais on les traite sur le même pied; on conclut même des traités internationaux avec eux.” August Wilhelm HEFFTER: *Das europäische Völkerrecht der Gegenwart*, Berlin: Schroeder 1844: 145 [second edn, *ibid.* 1848; third edn, *ibid.* 1853–1855; fourth edn, *ibid.* 1861; fifth edn, *ibid.* 1867; sixth edn, *ibid.* 1873; seventh edn, Berlin: Schroeder und Berlin: Müller 1881; eighth edn, Berlin: Müller 1888]. For close contemporary studies see Louis DEHERPE: *Essai sur le développement de l’occupation en droit international. Etablissement et déformation de l’œuvre de la conférence de Berlin 1885*. LLD. Thesis, University of Paris 1903. Kurt FIEGE: *Der Gebietserwerb durch völkerrechtliche Okkupation*. LLD. Thesis, University of Berlin 1908. Karl Heimbürger: *Der Erwerb der Gebietshoheit*, vol. 1, Karlsruhe: Braun 1888: 71. Gaston JÈZE: *Etude théorique et pratique sur l’occupation comme mode d’acquérir les territoires en droit international*, Paris: Giard & Brière 1896. Charles SALOMON: *De l’occupation des territoires sans maîtres*. LLD. Thesis, University of Paris 1889.

141 For a review of the nineteenth-century literature see Ernest NYS: “Le Concert Européen et la notion du droit international”, *Revue de droit international et de législation comparée* 31 (1899): 273–313.

142 For explications see Otto HINTZE: “Imperialismus und Weltpolitik”, *Internationale Wochenschrift für Wissenschaft, Kunst und Technik* 1 (1907): 593–605, 631–36 [reprinted, HINTZE: *Staat und Verfassung*, edited by Fritz HARTUNG, Leipzig: Koehler & Amelang 1941 (Hintze, *Gesammelte Abhandlungen*, vol. 1): 447–59; second edn of the *Abhandlungen*, edited by Gerhard OESTREICH, Göttingen: Vandenhoeck & Ruprecht 1962]. HINTZE, “Imperialismus und Weltpolitik”, *Die deutsche Freiheit* (1917): 114–69. Kurt RIEZLER [using the pseudonym J. J. RUEDORFFER]: *Grundzüge der Weltpolitik in der Gegenwart*, Stuttgart and Berlin: Deutsche Verlags-Anstalt 1914: 185–88.

great powers were to make manifest their capability of conducting ‘world politics’ through the holding of colonial dependencies. They also sought to display their capacity, empirically recognizable in acts of agenda-setting for the making of multilateral treaties,¹⁴³ of enforcing their regimes upon sovereign states at the global level, through the establishment of international institutions and organizations with a global reach, such as the Universal Postal Union or the International Committee of the Red Cross. With regard to these matters of perceived global concern, great powers were expected to have willingness to promote the acceptance of norms of European and North American international law,¹⁴⁴ the political clout to distribute and redistribute colonial dependencies¹⁴⁵ and the naval capability to engage in war in any part of the globe.¹⁴⁶ With regard to Japan, the British government already during the 1850s opted for a combined strategy of enforcing regime colonialism through diplomatic pressure¹⁴⁷ as well as occasional deployments of naval force in response to activities launched from Japan and considered unfriendly by the British side.¹⁴⁸ In response, the Meiji government,

143 Among many International Convention on the Rules and Customs of Land Warfare, dated 29 July 1899, in: *CTS*, vol. 187 (1981): 430–42; also edited by James Brown SCOTT: *Texts of the Peace Conferences at the Hague 1899 and 1907*, Boston: Ginn 1908; also edited by Shabtai ROSENNE: *The Hague Peace Conferences of 1899 and 1907 and International Arbitration Reports and Documents*, The Hague: Asser 2001. International Convention on Hygiene, dated 3 December 1903, *CTS*, vol. 194 (1981): 295–349. E. van ERMINGEN: Rapport de la Première Commission [International Conference on Hygiene Dresden, 30 March 1893], London: BRITISH NATIONAL ARCHIVE, FO 1277.

144 Friedrich Frommhold MARTENS: “[Contribution to the Debate about the Demands of Humanity and the Customs of the ‘Civilized’ Nations as the Principles from which Legal Sentences Relating to the Law of War are to be Derived, 20 June 1899]”, *Conférence internationale de la paix. La Haye, 13 mai – 29 juillet 1899*, vol. 3, The Hague: Nijhoff 1907: 120–21.

145 Treaty between the German Empire and the United Kingdom, 1 July 1890, *CTS*, vol. 173 (1981): 272–84. Treaty between France and the United Kingdom, 8 April 1904, *CTS*, vol. 195 (1981): 206–16.

146 Richard HALDANE [Viscount of Haldane]: “[Memorandum, 25 March 1912]”, Johannes LEPSIUS, Albrecht MENDELSSOHN-BARTHOLDY and Friedrich THIMME (eds): *Das Scheitern der Haldane-Mission und ihre Rückwirkung auf die Tripelentente*, nr 11422, Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte 1927 (Die Grosse Politik der Europäischen Kabinette, 31): 205–08.

147 OLIPHANT, *Narrative* (note 21): 248–49.

148 On the Shimonoseki Incident 下関事件 of 1864 which appeared to have been provoked by a Japanese armed squadron and entailed massive compensation claims from the side of the British government see Convention of Paris of 25 June 1864, *Treaties* (note 37): 227–29. Convention of Shimonoseki of 22 October 1864, *ibid.*: 230–33.

first devised a program for securing its outposts in the Pacific Ocean,¹⁴⁹ and then entered into its protracted struggle for recognition as a great power. The well-known, explicitly anti-colonialist “Racial Equality Proposal”, first submitted to the Paris Peace Conference in 1919¹⁵⁰ and subsequently pur-

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- 149 For sources on British strategies regarding the Ogasawara-Islands as a group of such outposts see Frederick William BEECHY: *Narrative of a Voyage to the Pacific and Beering's Strait ... in the Years 1825, 26, 27, 28*, Cambridge: Cambridge University Press 1831: 237–40 [another edn, Philadelphia: Carey 1832; reprint, Amsterdam: Israel 1968]. Thomas Horton JAMES: *The Sandwich and Bonin Islands. A Letter to a Noble Lord on the Importance of Settling the Sandwich & Bonin Islands, in the North Pacific Ocean, and the Plan of a Proprietary Government. Together with Hints on the Probability, in That Case, of Introducing British Manufactures into the Great Empire of Japan*, London: Tew 1832. George Tradescant LAY: *Trade with China. A Letter Addressed to the British Public on Some of the Advantages That Would Result from an Occupation of the Bonin Islands*, London: Royston & Brown 1837. Russell ROBERTSON: “The Bonin Islands”, *Transactions of the Asiatic Society of Japan*. First Series, vol. 4 (1876): 111–42. Lionel Berners CHOLMONDELEY: *The History of the Bonin Islands from the Year 1827 to the Year 1876. And of Nathaniel Savory, One of the Original Settlers. To Which Is Added a Short Supplement Dealing with the Islands after Their Occupation by the Japanese*, London: Constable 1915. For studies see Robert D. ELDRIDGE: *Iwo Jima and the Bonin Islands in U.S.-Japan Relations. American Strategy, Japanese Territory and the Islanders In-Between*, Quantico: Marine Corps University Press 2014: 25–66. Hyman KUBLIN: *The Bonin Islands. 1543–1875*. Ph.D. Thesis, typescript, Cambridge, MA: Harvard University 1947 [abridged version, *Journal of International Law and Diplomacy* 54, 6 (1955)]. KUBLIN: “The Ogasawara Venture. 1861–1863”, *Harvard Journal of Asiatic Studies* 14 (1951): 261–84. KUBLIN: “Commodore Perry and the Bonin Islands”, *United States Naval Institute Proceedings* 78 (1952): 282–91. KUBLIN: “The Discovery of the Bonin Islands”, *Annals of the Association of American Geographers* 43 (1953): 27–46. KUBLIN: “The Evolution of Japanese Colonialism”, *Comparative Studies in Society and History* 2 (1959): 67–84. Daniel LONG and Peter TRUDGILL: “The Last Yankee in the Pacific. Eastern New England Phonology in the Bonin Islands”, *American Speech* 79 (2004): 356–67. LONG: “The Linguistic History of the Bonin Islands”, LONG: *English on the Bonin Islands*, Durham, NC: University of North Carolina Press 2007: 3–24. MUROGA Nobuo [室賀信夫]: “Geographical Exploration by the Japanese”, Herman Ralph FRIIS (ed.): *The Pacific Basin*, New York: American Geographical Society 1967: 96–108. TANAKA Hiroyuki 田中弘之: “Edo Jidai ni okeru Nihonjin no Mujin tō (Ogasawara tō) ni tai suru ninshiki” 江戸時代における日本人の無人島 (小笠原島) に対する認識 (The Perception of the Bonin Islands [Ogasawara Islands] by Japanese during the Edo Period), *Kaijishi kenkyū* 海事史研究 (Studies in Maritime History), vol. 50, nr 6 (1993): 30–44. TANAKA: *Bakumatsu no Ogasawara* 幕末の小笠原 (The Ogasawara Islands at the End of the Tokugawa Period), Chūō Kōron Sha 中央公論社 1997. Bernard WELSCH: “Was Marcus Island Discovered by Bernardo de la Torre in 1543?”, *Journal of Pacific History* 39 (2004): 109–22.
- 150 NINAGAWA Arata [蜷川新]: *Les réclamations japonaises et le droit international*, Paris: Pédone 1919: 6–11 [reprint, London: Forgotten Books 2018]. RŌYAMA Masamichi: *Foreign Policy of Japan. 1914–1939*, Institute of Pacific Relations. Japanese Council

sued through various venues during the 1920s and again towards the end of the Pacific War,¹⁵¹ can be understood as an instrument to manifest Japanese great-power agenda-setting capability at the international level.

European Responses to the Japanese Concept of Colonialism

During the period leading up to World War I, these expansionist policies peaked during the Russo-Japanese War, fought initially over control of the Korean Peninsula. Upon its end, the war emerged as the turning-point in the European assessment of the fighting power of the Japanese armed forces, when compared to their Russian adversaries. The forceful anti-colonialist push of Pan-Asianism had been noticed in Europe already during the Sino-Japanese War of 1894/95, then provoking vague fears that European positions in East Asia might be challenged.¹⁵² Russian defeat in 1905 ap-

1941 (Far Eastern Conflict Series, 7): 28 [reprint, Westport, CT: Greenwood 1975]. On the background of the failure of the “Racial Equality Proposal” see SHIMAZU Naoko: *Japan, Race and Equality. The Racial Equality Proposal of 1919*, London: Routledge 1998.

- 151 GAIMU SHŌ SHIRYŌ KAN, A1.0.0.14: SHIGEMITSU Mamoru 重光葵: [Address to the National Diet, 17 June 1943], SHIGEMITSU: *Addresses before the Diet*. Print, s.l.: s.n. 1943: 1–4, at 1, 3. SHIGEMITSU: [Address to the National Diet, 27 October 1943], *ibid.*: 6–11, at 7, 10. Both addresses are available in printed English versions and seem to have been prepared for distribution among ambassadors from states pertaining to the “Greater East Asian Co-Prosperity Sphere 大東亜共栄圏”, then accredited in Tōkyō. See also GAIMU SHŌ SHIRYŌ KAN, A1.0.0.14: *Gaimu daijin sono ta no enzetsu oyobi seimei shū* 外務大臣その他の演説および声明集 (Collected Further Addresses and Proclamations by the Foreign Minister); *Shigemitsu gaimu daijin enzetsu shū* 重光外務大臣演説集 (Collected Addresses by Foreign Minister Shigemitsu), 59–66, at 62–3. Likewise Japonicus: “The Pacific Charter”. Japonicus: *The Pacific Charter and Other Papers*, The Nippon Times 1944: 1–20, at 12 [first published, *Contemporary Japan*, vol. 13, nr 3 (1944)]. AYDIN: *Politics* (note 83): 141–45. For references to the 1920s see MATSUSHITA Masatoshi [松下正寿]: *Japan in the League of Nations*, New York: Columbia University Press 1929 (Studies in History, Economics and Public Law [Columbia University], 314): 162, 164. For a study see ZACHMANN: “Race” (note 106).
- 152 Alois Paul Baron von FALKENEGG LEDERSTEGGER: *Japan, die neue Weltmacht. Politische Betrachtungen*, Berlin: Boll & Pickart 1895: 26: “Der Sieg über Rußland [in Korea] bedeutet den Japanern den Sieg über Europa.”; 26: “‘Asien den Asiaten’, ist die Formel in Japan geworden, die ihre Spitze gegen alle Europäer richtet, welche in Asien politische und kommerzielle Vorteile erringen wollen. ‘Asien den Asiaten’ hat aber für die Japaner die selbstverständliche Voraussetzung: ‘Japan beherrscht Asien und Asien beherrscht Europa.’”; 48: “Ob die Japaner nicht selbst mit der englischen Marine, der jetzt noch mit ihnen verbündeten, fertig würden? Wer weiß es? Wer weiß, bis zu welchem Grade auch die Flotte Deutschlands japanischen Angriffen standhalten könnte?”; 46: “Diesen euro-

peared to strengthen these anxieties with what specifically British and German military analysts took to be material evidence suggesting that the Russian armed forces were lacking offensive capacity. Whereas these analysts scaled down the likelihood of a Russian attack on a state in Central Europe due to apparently wavering ‘moral determination’ of the Russian fighting force,¹⁵³ they upgraded the likelihood of a Japanese attack on European

päischen Staaten erschien ja der russische ‘Koloss auf tönernen Füßen’ als das non plus ultra von militärischer Kraft und Tüchtigkeit.”; 52: “Die 55 Millionen Japaner an der Spitze der 400 Millionen Chinesen, die sie kriegerisch ausrüsten und mit kriegerischem Geiste erfüllen werden, fühlen sich jetzt berufen, in die erste Reihe der Weltmächte zu treten und Asien, vielleicht auch Europa, die Gesetze zu diktieren.” For contemporary statements by Japanese international lawyers in European languages see: ARIGA Nagao: “De la protection accordée aux chinois résidents au Japon pendant la guerre chino-japonaise”, in: *Revue générale de droit international public* 2 (1895): 577–83. ARIGA: *La guerre sino-japonaise au point de vue du droit international*, Paris: Pédone 1896 [Japanese version s.t.: *Nisshin sen’eki kokusaihō ron* 日清戦役国際法論, Tetsugaku Shoin 哲学書院 1896]. TAKAHASHI Sakuei [Sakuye] [高橋作衛], ed: *Cases on International Law during the Chino-Japanese War. With a Preface by Thomas Erskine Holland and an Introduction by John Westlake*, Cambridge: Cambridge University Press 1899 [German version s.t.: *Äusserungen über völkerrechtlich bedeutsame Vorkommnisse aus dem chinesisch-japanischen Seekrieg und das darauf bezügliche Werk: “Cases on International Law during the Chino-Japanese War”*, Munich: Reinhardt 1900]. For comments see Jean-Pierre LEHMANN: *The Image of Japan. From Feudal Isolation to World Power. 1850–1905*, London and Boston: Allen & Unwin 1978: 173–76. Matthew S. SELIGMANN: “Germany, the Russo-Japanese War and the Road to the Great War”, Rotem KOWNER (ed.): *The Impact of the Russo-Japanese War*, London: RoutledgeCurzon 2007 (Routledge Studies in the Modern History of Asia, 43): 109–23, at 111–12, where this author ascribes the slogan “Asia for the Asians” to Japanese strategy as its guideline. Rolf-Harald WIPPICH: “The Yellow Peril. Strategic and Ideological Implications for Germany’s East Asian Policy before the First World War”, *Sophia International Review* 18 (1996): 57–65. WIPPICH (ed.): “*Haut sie, dass die Lappen fliegen!*” *Briefe von Deutschen an das japanische Kriegsministerium während des chinesisch-japanischen Krieges 1894/95*, OAG 1997 (OAG Taschenbuch, 67).

- 153 Otto von LAUENSTEIN: Bericht [über den Russisch-Japanischen Krieg, 10. Dezember 1905], copies, Ms. Munich: BAYERISCHES HAUPTSTAATSARCHIV, Abt. IV: Kriegsarchiv, Generalstab 234: 1–33 [also, Ms. Freiburg: BUNDESARCHIV-MILITÄRARCHIV PH 3/653]: 1: “Der tiefste Grund kriegerischer Erfolge und Mißerfolge liegt auf moralischem Gebiet. So war es auch hier. Den russischen Volkscharakter kennzeichnet eine ausgesprochene Indolenz, die Scheu vor Zwang und Anstrengung, das Sichgehenlassen, die Abneigung gegen alles für die eigene Person Beschwerliche und Unangenehme, der Mangel an Folgerichtigkeit im Denken und Handeln.”; 4: “Ein weites Feld [für den Anspruch auf Anerkennung von Eigenleistungen als Grundlage für den Erwerb von Orden] bot hierfür der kleine Krieg, wo die Heldentaten des Einzelnen gar oft auf Treu und Glauben hingewiesen werden mußten [footnote: “Bei der 3. Ostsibirischen Schützen-Division wurde es dem Führer eines Jagdkommandos so zur Gewohnheit, japanische Feldwachen zu überfallen und niederzumachen, daß ihm untersagt wurde, weitere Meldungen ähnlichen Inhalts ein zu reichen”].” Deutsches Reich, Großer Generalstab,

positions in continental Northeast Asia.¹⁵⁴ In turn, this prospect had implications for war planning mainly in the German Empire. For the perceived

Kriegsgeschichtliche Abteilung: *Erfahrungen außereuropäischer Kriege neuester Zeit*, part II: Aus dem russisch-japanischen Kriege. 1904 bis 1905, issue 43/44, Berlin: Mittler 1908: 126–27: “Man kann im weiteren Verlaufe immerhin die Verwendung der Garde-Division tadeln, so verdient doch im übrigen die Art, wie Kuroki nach richtiger Erkenntnis der Sachlage voll Kraft und Initiative die Folgerungen seines Entschlusses zog, die Zähigkeit, mit der er im Bewußtsein der Tragweite seines Auftretens auf dem rechten Ufer des Tai tsy ho-Ufer am Gedanken des Sieges festhielt, Bewunderung und hebt sich vorteilhaft vom Verfahren des feindlichen Heerführers ab, in dessen Seele der nur halb erfaßten und schnell wieder aufgegebenen Angriffsabsicht der matte Entschluß zum Rückzuge folgt. In diesem Gegensatze prägt sich deutlich das moralische Überge-
 wicht der japanischen Kriegführung über die russische aus. Der Wille zu siegen, siegte. Darin besteht die Bedeutung der Schlacht bei Liao yan für den Verlauf des ganzen Krieges. Es erscheint ein vergebliches Beginnen, wenn versucht wird, sie durch den Hinweis auf die geringen materiellen Erfolge der Japaner herabzusetzen. Nicht durch den Verlust an Fahnen und Geschützen des unterliegenden Teiles hat dieser heiße Kampf sein Gepräge erhalten, sondern durch die gewaltige Einbuße an moralischer Kraft, die das russische Heer an den Ufern des Tai tsy ho erlitt.” United Kingdom of Great Britain and Ireland, Committee of Imperial Defense, Historical Section: *Official History (Naval and Military) of the Russo-Japanese War*, 3 vols, London: HMSO 1910–1920, vol. 2: Liao-Yang, The Sha Ho, Port Arthur (1912): 210: “They not only seized every chance of victory that was presented to them, but created opportunities for themselves. The motive underlying the Russian conduct of the battle appears to have been confined to a stolid desire to stave off defeat. Though prepared to fight, General Kuropatkin’s chief care seems to have been at first to delay and subsequently to secure his retreat rather than to stake his last man in a great bid for victory.” For studies see AYDIN: *Politics* (note 83): 71–92. Gary P. COX: “Of Aphorisms, Lessons and Paradigms. Comparing the British and German Official Histories of the Russo-Japanese War”, *Journal of Military History* 56 (1992): 389–401. HIRAMA Yōichi 平間洋一: *Nichi Ro sensō no sekai wa dō hōjita ka* 日露戦争を世界はどう報じたか (How Did the World Respond to the Russo-Japanese War?), Fuyō Shobō 芙蓉書房 2010: 137–42. David JONES: “Military Observers, Eurocentrism and World War Zero”, David WOLFF, Steven G. MARKS, Bruce W. Menning, David SCHIMMELPENNINCK VAN DER OYE, John W. STEINBERG and YOKOTE Shinji [横手慎二] (eds): *The Russo-Japanese War in Global Perspective. World War Zero*, vol. 2, Leiden: Brill 2007 (History of Warfare, 40): 135–77. Ute MEHNERT: “Deutsche Weltpolitik und amerikanisches Zweifronten-Dilemma. Die ‘japanische Gefahr’ in den deutsch-amerikanischen Beziehungen. 1904–1917”, in: *Historische Zeitschrift* 257 (1993): 647–92. Annika MOMBAUER: *The Origins of the First World War. Controversies and Consensus*, London: Longman 2002: 118.

- 154 R. de MARMANDE: “French Public Opinion and the Russo-Japanese War”, *Fortnightly Review* 82 (1904): 317–327, at 322–23. Alfred STEAD: “Why Japan will Win”, *Fortnightly Review* 82 (1904): 996–1006. For a comment see SELIGMANN: “Germany” (note 152): 113, who argues that the German Imperial Government was aware of the vulnerability of Shantung to potential Japanese attacks and does so on the basis of statements by British military attaché in Berlin, Philip Dumas, dated 24 May 1906 [London: BRITISH NATIONAL ARCHIVE, FO 244/665, FO 371/261, fol. 418].

declining probability of a Russian attack on Central Europe seemed to support the conclusion that, under the constraints of the presumed secret military alliance between France and Russia, German armed forces might be in a position of attacking France on their western front without having to fear a Russian relief attack on their eastern front.¹⁵⁵ In other words, the victory of the Japanese over the Russian armed forces in Manchuria and the Western Pacific had repercussions on German plans regarding ‘war against France’. The latter three words happened to form the title of the notorious memorandum which the Chief of the German General Staff of the Army, General Alfred von Schlieffen, wrote at the turn of the year 1906, when he was about to retire from his office. The text, now widely regarded as Schlieffen’s testament to his successor, the younger Moltke, has been known as the ‘Schlieffen Plan’ from the 1920s.¹⁵⁶

Schlieffen’s memorandum marked the final step in a longer process of the successive revision of the principles of German military planning, which had started in 1891, when Schlieffen took over the office from his hapless predecessor Count Waldersee, and consisted essentially in a plea for the increase in military spending to the end of achieving superiority over the French armed forces. The older strategic design, in force before Schlieffen’s incumbency, had envisaged a two-front war, beginning with a massive attack on Russia before moving against France. While in office, Schlieffen took a series of measures aimed at shifting the focus on France. He began to consider as unimplementable the design of seeking to defeat Russia before turning to France, thereby calling it into question altogether. Schlieffen based his argument on the observation that the Russian military and political leadership would, in the case of defeat at its western front, withdraw to the east, regroup the armed forces and launch a counterattack and that, in this case, swift action against France was not a possible choice.¹⁵⁷ In a further memo-

155 SELIGMANN: “Germany” (note 152): 116–22.

156 Alfred Graf von SCHLIEFFEN: “Memorandum 1905. The Schlieffen Plan” [original version s.t.: “Krieg gegen Frankreich”, drafted in December 1905, completed in January 1906], SCHLIEFFEN: *Military Writings*, edited by Robert T. FOLEY, London: Cass 2003 (Military History and Politics, 2): 163–77 [first edition of a copy of the original German version, the copy being part of the Schlieffen papers in Washington: NATIONAL ARCHIVES, edited by Gerhard RITTER: *Der Schlieffenplan. Kritik eines Mythos*, Munich: Oldenbourg 1956: 145–60; another copy in Freiburg: BUNDESARCHIV-MILITÄRARCHIV, Nachlass Boetticher N 323/19].

157 Robert T. FOLEY: “Der Schlieffenplan. Ein Aufmarschplan für den Krieg”, Hans EHLERT, Michael EPKENHANS and Gerhard P. GROß (eds): *Der Schlieffenplan. Analysen*

randum, dated 1892, Schlieffen proposed a joint Austrian-German offensive campaign against Russia, but the government rejected this proposal.¹⁵⁸ By 1905, however, the General Staff came to expect that the German armed forces would suffice to stand against a combined invasion by Russian and French forces, that the divided Russian fighting force could be defeated with the German peacetime contingents deployed on the eastern front and that, by consequence, the main fighting force could be shifted to the western front against France.¹⁵⁹ The General Staff even came to the conclusion that, Russia's military strength failing due to its defeat in 1905, a French preventive attack on Germany was unlikely. This was so, the General Staff believed, because Russia, even as France's alliance partner, was not ready for an offensive move against the German Empire. Consequently, the German side

und Dokumente, Paderborn, Munich, Vienna and Zurich: Schöningh 2006 (Zeitalter der Weltkriege, 2): 101–16, at 114.

- 158 Wilhelm DIECKMANN: Einige Bemerkungen über die Entstehungsgeschichte des Schlieffenplans, Ms. Freiburg: BUNDESARCHIV-MILITÄRARCHIV, RH 61/347, fol. 210–32, at 217–18.
- 159 Alfred Graf von SCHLIEFFEN: [Operationsstudie Ost, Januar–März 1905], Ms. Munich: BAYERISCHES HAUPTSTAATSARCHIV, Abt. Kriegsarchiv, Konrad Krafft von Dellmensingen Papers, 336, front cover 1^v–front cover 2^r, constructed the following war scenario: “Frankreich und Rußland haben Deutschland den Krieg erklärt. Österreich unterstützt Deutschland, glaubt aber, einen Teil seines Heeres zur Sicherung seiner östlichen Grenzen verwenden zu müssen. Zwischen Frankreich und Rußland besteht die Verabredung, gleichzeitig die deutsche Grenze zu überschreiten, falls nicht vorher schon Deutschland die Offensive gegen einen oder den anderen der beiden Verbündeten ergriffen haben sollte. Nach Abzug der in Ostasien verwendeten sowie der zur Aufrechterhaltung der Ordnung im Innern zurückgehaltenen Truppenkörper verfügt Rußland gegen Deutschland über: die Neman-Armee, ... die Narev-Armee, ... die Mobile Reserve, Warschau. Nach den eingegangenen Nachrichten ist der allergrößte Teil des deutschen Heeres nach dem Westen abtransportiert. In den Provinzen Ost- und Westpreußen sind nur die dort im Frieden untergebrachten A[rmees] K[orps]e mit den dazu gehörigen Reserve- und Landwehrtruppen verblieben. Ein Teil derselben soll hinter der Angerapp, ein Teil bei Ortelsburg, ein dritter Teil bei Soldau stehen. Die Befestigungen an der Weichsel ebenso wie Königsberg und Lötzen haben ihre Kriegsbesatzungen erhalten. Auch in Schlesien sollen nur Reserve- und Landwehrtruppen geblieben sein. Die russischen Streitkräfte in der Ostsee sind sehr gering. Der russische Oberbefehlshaber hat den Auftrag, die deutschen Gebiete rechts der Weichsel in Besitz zu nehmen und nach Überschreitung des Stromes auf Berlin zu marschieren.” [partly paraphrased by Terence ZUBER: “Der Mythos vom Schlieffenplan”, Hans EHLERT, Michael EPKENHANS and Gerhard P. GROB (eds): *Der Schlieffenplan. Analysen und Dokumente*, Paderborn, Munich, Vienna and Zurich: Schöningh 2006 (Zeitalter der Weltkriege, 2): 45–78, at 52]; Schlieffen (as above): 2: “Die Formung des russ[ischen] Heeres gibt dem Feind Gelegenheit, mit allen seinen Kräften über eine Armee herzufallen u[nd] sie zu schlagen. Dem wäre die Niemen Armee vor allem ausgesetzt, denn sie ist schwächer als der vereinigte Feind.”

expected that the French army, although prepared for war, would remain in defensive positions, most likely behind its line of fortifications on the French eastern front, would await a German attack and retaliate massively. The German side also assumed that the French military command had obtained intelligence concerning German plans for offensive action. The German side also postulated that the French command had drawn the conclusion that the German armed forces would not directly attack the French line of fortifications but would lead their right wing through Belgium to circumvent the French fortifications in the north and attack from the rear.¹⁶⁰ Thus, Schlieffen in 1905 assumed that German offensive action against France was the most likely scenario in an upcoming war, while continuing to exclude a German frontal attack on French defense lines.¹⁶¹ By implication, he argued for a sharp increase in military expenditures to upgrade the German armed

160 Helmuth GREINER: Welche Nachrichten besaß der deutsche Generalstab über Mobilmachung und Aufmarsch des französischen Heeres in den Jahren 1885–1914? Wie wurden sie ausgewertet und wie lagen die tatsächlichen Verhältnisse? Ms. Freiburg: BUNDESARCHIV-MILITÄRARCHIV, RH 61/398 = W 10/50267, fol. 001–157; fol. 95: “Eine französische Offensive, mit der bis zum Jahre 1904 gerechnet werden konnte, in diesem im Hinblick auf den russisch-japanischen Krieg nicht mehr wahrscheinlich. Es war vielmehr anzunehmen daß die Franzosen zu Beginn eines Krieges nicht sofort angreifen, sondern in einer Bereitstellung, wahrscheinlich hinter ihren Befestigungen den Angriff der Deutschen erwarten würden, obwohl sie vermuteten, daß deren rechter Flügel die Festungsfront nördlich umgehen werde.”

161 SCHLIEFFEN: “Krieg” (note 156): 145–46 (of the edn by RITTER): “In einem Kriege gegen Deutschland wird sich Frankreich, besonders, solange es auf eine wirksame Unterstützung Rußlands nicht rechnen kann, voraussichtlich zunächst auf die Verteidigung beschränken. Für diesen Zweck hat es sich schon seit langer Zeit eine zum großen Teil dauernd ausgebaute Stellung vorbereitet, in welcher die großen Festungen Belfort, Epinal, Toul, Verdun die Hauptstützpunkte ausmachen.”; 147: “Ein Frontalangriff auf die Stellung Belfort – Verdun bietet daher wenig Aussicht auf Erfolg.” Even though the offensive strategy underlying Schlieffen’s memorandum of 1905 has been called into question, the extant papers from German General Staff deliberations as well as studies on the memorandum undertaken during the 1920s, taken together, amply suggest the offensiveness of the strategy Schlieffen was advocating on the eve of his retirement. For the debate see Terence ZUBER: “The Schlieffen Plan Reconsidered”, *War in History* 6 (1999): 262–305. ZUBER: *Inventing the Schlieffen Plan: German War Planning, 1871–1914*, Oxford: Oxford University Press 2002. ZUBER: *German War-Planning, 1891–1914. Sources and Interpretations*, Woodbridge and Rochester, NY: Boydell & Brewer 2004. ZUBER: *The Real German War Plan, 1904–14*, Stroud: History Press 2011: esp. 212–13. FOLEY: “Schlieffenplan” (note 149): 101–16. Gerhard P. GROß: “There was a Schlieffen Plan. Neue Quellen”, Hans EHLERT, Michael EPKENHANS and GROß (eds): *Der Schlieffenplan. Analysen und Dokumente*, Paderborn, Munich, Vienna and Zurich: Schöningh 2006 (*Zeitalter der Weltkriege*, 2): 117–60. SELIGMANN, “Germany” (note 152): 116–22.

forces in order to meet that challenge. Still, he comforted himself by continuing to point to the weakness of Russian armed forces in the aftermath of the Russo-Japanese War and the ensuing revolution, while the General Staff conceded in 1906 that Russian troops on the western front had not declined in numbers and that the mobilisation potential for further contingents had been increased by the opening of a new railway line.¹⁶² Hence, by 1906, the “Schlieffen Plan” no longer comprised a feasible strategy.

By 1911, the younger Moltke even felt compelled to revise Schlieffen’s assessment noting that the rearmament and modernisation of the Russian armed forces was taking place far more rapidly than Schlieffen had anticipated, specifically with regard to military organisation, the deployment of offensive artillery and the building of defensive fortifications on Russia’s western and southwestern borders. Moreover, the government had significantly and at great costs improved its railroad network to allow speedy movement of troops across Russian territory.¹⁶³ Moltke thus concluded that it was no longer possible to withdraw large contingents from Germany’s eastern front for a massive attack against France.¹⁶⁴ Moltke also noted that

162 Deutsches Reich, Großer Generalstab: Zusammenstellung der wichtigsten Veränderungen im Heerwesen Rußlands im Jahre 1906. 1906, Ms. Munich: BAYERISCHES HAUPTSTAATSARCHIV, Abt. Kriegsarchiv, GSt. 207; 18: “Die zur Verwendung gegen Deutschland und Österreich bestimmten Truppen sind mit Ausnahme der 17. und 33. [Infanterie]-D[ivision] ... rein zahlenmäßig wieder verfügbar. Ihr Aufmarsch an der Westgrenze läßt sich durch Benutzung der neu eröffneten Bahn Bologya – Siedlec beschleunigen. Unter den jetzigen Verhältnissen sind aber sehr erhebliche Kräfte zur Aufrechterhaltung der Ruhe im Innern des Reiches unentbehrlich. Auch ist die Schlagfertigkeit infolge der umfangreichen Truppenverschiebungen, die durch die inneren Unruhen, namentlich im Wolgagebiet, in Polen und in den Ostseeprovinzen nötig geworden sind, begrenzt.”

163 On the revision see Annika MOMBAUER: *Helmuth von Moltke and the Origins of the First World War*, Cambridge: Cambridge University Press 2001. MOMBAUER: *Origins* (note 153). MOMBAUER: “Der Moltkeplan. Modifikation des Schlieffenplans bei gleichen Zielen?”, Hans EHLERT, Michael EPKENHANS and Gerhard P. GROB (eds): *Der Schlieffenplan. Analysen und Dokumente*, Paderborn, Munich, Vienna and Zurich: Schöningh 2006 (Zeitalter der Weltkriege, 2): 79–99.

164 Helmuth von MOLTKE: “Die militärpolitische Lage Deutschlands [Memorandum, dated 2 December 1911, with notes by Imperial War Minister von Heeringen]”, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV, W 10/50279, Nr 59, fol. 013–30 [partly printed in MOMBAUER: “Moltkeplan” (note 163): 83]; fol. 023 = p. 11: “Rußland hat seit dem unglücklichen Feldzug gegen Japan seine Armee einer durchgreifenden Reorganisation unterzogen. Es hat seine bis dahin friedensmäßig bestehenden Reserven und Festungstypen in 6 neue Korpsverbände zusammengefaßt und sie zu aktiven Armeekorps umgewandelt. Es hat eine Veränderung in der Dislokation seiner Truppen vorgenommen, die ihre Mobilmachung erleichtert und ihre Verwendung im Kriegsfall begünstigt. Es hat mit großen finanziellen Opfern sein Eisenbahnnetz so ausgebaut, daß ein Aufmarsch an

the German government had failed to improve diplomatic relations with Russia but that, on the contrary, the British-Russian entente had been concluded in 1907 and the Japanese-Russian rapprochement was on its way.¹⁶⁵ In what was to become his last written text, Schlieffen restated his conviction that an initial massive strike against France was mandated and should not be deferred due to the Russian menace.¹⁶⁶

According to extant records still shedding light on the planning activities of the German General Staff, the Russo-Japanese War served as the background occurrence seeming to provide a basis for assessments of Russian military strength. These assessments shifted fundamentally: first from the expectation that Russian armies, operating under a weak central government, could be overcome with a massive offensive strike, in force up to 1902; to the skepticism that Russian forces could not be overcome, because they would withdraw to Russian hinterlands, before 1905; further to the optimism that Russian forces were too weak to present any real danger for Germany's

der West- und Südwestgrenze sich in der Hälfte der Zeit vollziehen kann, die derselbe noch vor 5 Jahren beansprucht haben würde. Es hat ungeheuer Summen aufgewendet, um die Armee mit besserem Kriegsmaterial, besonders mit schweren Geschützen und mit einem modernen Feldgeschütz auszustatten. ...“

- 165 For studies see Peter A. BERTON: *The Secret Russo-Japanese Alliance of 1916*. Ph.D. Thesis, typescript, New York: Columbia University 1956. BERTON: *Case Study in International Negotiations. The Russo-Japanese Alliance of 1916*, Pittsburgh: Graduate School of Public and International Affairs, Pew Program in Case Teaching and Writing in International Affairs 1988. BERTON: “A New Russo-Japanese Alliance? Diplomacy in the Far East during World War I”, *Acta Slavica Iaponica* 11 (1993): 57–78. BERTON: “From Enemies to Allies. The War and Russo-Japanese Relations”, Rotem KOWNER (ed.): *The Impact of the Russo-Japanese War*, London: RoutledgeCurzon 2007 (Routledge Studies in the Modern History of Asia, 43): 78–87. BERTON: *Russo-Japanese Relations. 1905–1917. From Enemies to Allies*, London and New York: Routledge 2012 (Routledge Studies in the Modern History of Asia, 72): 53–69, 70–82. Bruce A. ELLEMAN: “The 1907–1916 Russo-Japanese Secret Treaties. A Reconsideration”, *Ajia bunka kenkyū* アジア文化研究 (Studies in Asian Culture) 25 (1999): 29–44. Ernest Batson PRICE: *The Russo-Japanese Treaties of 1907–1916 Concerning Manchuria and Mongolia*, Baltimore: Johns Hopkins University Press 1933 [reprint, New York: AMS Press 1971].
- 166 Alfred Graf von SCHLIEFFEN: “Memorandum [Denkschrift, 28 December 1912]”, Copy Freiburg: BUNDESARCHIV–MILITÄRARCHIV, Foerster Papers, N 121/35 [first printed by RITTER: *Schlieffenplan* (note 156): 181–90; also in: MOMBAUER: “Moltkeplan” (note 163): p. 88 = fol. 5: “Ganz Deutschland muss sich auf einen Gegner werfen, auf denjenigen, der der stärkste, mächtigste und gefährlichste ist, und das kann nur Frankreich-England sein! Österreich mag ohne Sorge sein: die russische gegen Deutschland bestimmte Armee wird nicht nach Galizien marschieren, bevor nicht die Würfel im Westen gefallen sind. Und das Schicksal Österreichs wird sich nicht am Bug, sondern an der Seine entscheiden.”

eastern front as a consequence of defeat in the Russo-Japanese War, in 1905; and eventually, by 1911, to the forecast that Russian forces were again strong enough to bind large German contingents on their eastern front. The German assessment of French strength changed correspondingly: starting with the expectation that France, backed by its perceived Russian alliance partner, would take offensive in a military confrontation with the German Empire prior to 1905; replaced in 1905 by a design according to which the German armed forces would launch a massive strike, carry the war deep into French territory and would succeed because the French army, unlike its Russia ally, did not have a hinterland to regroup; and, finally by 1911, giving way to the expectation that France would not launch an initial strike but wait for the German side to take the offensive. In essence, Moltke, from 1906, continued to adhere to the dogma of the war of annihilation, which Schlieffen continued to expect from 1905 to his death.¹⁶⁷ Thus, he insisted that modern armies were too large and too complex to allow long wars of attrition. Fighting such wars, he claimed, might have been possible during the Russo-Japanese War but was unaffordable ‘luxury’ in Western Europe.¹⁶⁸

167 Robert T. FOLEY: *German Strategy and the Path to Verdun. Erich von Falkenhayn and the Development of Attrition. 1870–1916*, Cambridge: Cambridge University Press 2005: 14–37. Jehuda Lothar WALLACH: *The Dogma of the Battle of Annihilation. The Theories of Clausewitz and Schlieffen and Their Impact on the German Conduct of Two World Wars*, Westport, CT: Greenwood 1986 (Contributions in Military Studies, 45) [first published, Frankfurt: Bernhard & Graefe 1967; another edn, Munich: Deutscher Taschenbuchverlag 1970].

168 Alfred Graf von SCHLIEFFEN: “Schlußbesprechung [minutes of the discussion on the war game of 1905 in the General Staff, 23 December 1905]”, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV, PH 3/653, fol. 001–18 [English version, SCHLIEFFEN: *Writings* (note 156)]; fol. 007: “Wir werden in einem künftigen Kriege mit langen Stellungen zu tun haben. Die Möglichkeit, mit wenigen Kräften in einer einigermaßen verstärkten Stellung auch einem weit überlegenen Feinde Widerstand zu leisten, wird leicht zu einer vermehrten Auflage von Positionskriegen führen. Das zeigt der russisch-japanische Krieg. Hinten in der Mandschurei mag man monatelang in uneinnehmbaren Stellungen sich gegenüber liegen. Im westlichen Europa kann man sich den Luxus einer solchen Kriegführung nicht erlauben. Die Maschine mit ihren 1000 Rädern, von der Millionen ihren Unterhalt finden, kann nicht lange stillstehen. Man kann nicht 1-2 Jahre hindurch mit 12tägigen Schlachten von Position zu Position rücken, bis die Kriegführenden gänzlich erschöpft und ermattet beide um Frieden bitten und beide sich den gestellten Bedingungen fügen. Wir müssen suchen, den Feind schnell niederzuwerfen und zu vernichten.” On the other hand, Schlieffen defended the maintenance of large national armies, postulating that these armies were unassailable and a deterrent against attacks. See Alfred Graf von SCHLIEFFEN: “Über die Millionenheere”, SCHLIEFFEN: *Gesammelte Schriften*, edited by Hugo Freiherr von FREYTAG-LORINGHOVEN, vol. 1, Berlin: Mittler

Yet, Japanese political and military decisions were of significance not just to matters of land warfare in Eurasia, but also to naval issues. Already in 1903, the German naval command (Reichsmarineamt) envisaged an attack by some then unspecified ‘yellow power’ on the Chinese territory of Qingdao, under German control since 1897, and demanded funds for the strengthening of defensive fortifications and the buildup of armed contingents. In 1904, the command rejected the plan arguing that the German colonial establishment would have to be economically self-sufficient, that the costs for building fortifications could only be paid from the dependency’s own budget and could not be shouldered by the Imperial government.¹⁶⁹ In the aftermath of the Russo-Japanese War, however, the command debated the possibility of a naval attack on the territory. In an immediate response, the command considered the option of fortifying the docks to allow German warships to continue to use Qingdao port under the condition of a maritime attack. It specifically pointed to the possibility of a Japanese naval attack, similar to that on Port Arthur, as a potential war scenario.¹⁷⁰ But by 1906, the command revised its stance and opted for minimal fortifications ‘ensuring resistance against the most effective fire of siege artillery’.¹⁷¹ Consequently, defense measures came to be scaled down to the deployment of cannon against a land-based attack from neighbouring territory under Chi-

1913: 23–4 [English version, SCHLIEFFEN: *Writings* (note 156): 206–207; first published, *Deutsche Revue* (June 1911)].

169 Deutsches Reich, Reichsmarineamt: Report by Rear Admiral Geissler about a manoeuvre on 8 October 1903, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV RM 38/38 [partly printed, Jork ARTELT: *Tsingtau. Deutsche Stadt und Festung in China. 1897–1914*, Düsseldorf: Droste 1984: 174–81]. Memorandum by Admiral von Ahlefeld on the future fortifications of Kiaochow, dated April 1904, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV RM 3/6911: fortifications can only be upgraded, “wenn Dock- und Hafenanlagen, Werft und Eisenbahn fertig sind, wenn die Kohleförderung im Hinterlande, Handel und Industrie den Platz zum Aufblühen gebracht haben.” [partly printed by ARTELT (as above): 190]. For further recent studies on Qingdao under German control see above, note 94.

170 Deutsches Reich, Reichsmarineamt: Report by the Government of Kiaochow, 20 March 1905, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV RM 3/6913: following the experiences of the Japanese attack on Port Arthur it is to be expected, “dass alle die Anlagen, die der herauskommenden und unter Umständen durch Kampf beschädigten Flotte zur Wiederherstellung und dauernden Erhaltung der Gefechtsbereitschaft dienen sollen, sehr bald zerstört sein werden.” [partly printed by ARTELT: *Tsingtau* (note 169): 195].

171 Deutsches Reich, Reichsmarineamt: Report on the fortification of Tsingtau, 23 November 1906, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV RM 3/6914: 7: statement of the plan to secure the “Widerstandsfähigkeit gegen die wirksamsten Schussarten der Belagerungsartillerie” [partly printed by ARTELT: *Tsingtau* (note 169): 185].

nese control.¹⁷² Qingdao port thus remained virtually unprotected against a naval attack, even though Japanese naval forces were considered a threat.

In conclusion, the Meiji government, in its bid for recognition as a great power, based its reception of European ideologies of colonial rule not only on careful analysis but also upon ruthless assessments of its own interests. By contrast, the reception of the Japanese modification of European colonial ideologies back in Europe itself boosted misperceptions which, in turn, supported the formation of illusionary war plans. Contrary to the recognizable Japanese policy of grabbing opportunities as they came along, European military planning postulated the pursuit of some grand strategy as the platform for Japanese policy of colonial expansion. In the European making, the perception of Japanese colonial rule as the outflow of some strategic design was, however, the product of a fanciful interpretation that, prior to World War I, had little in common with Japanese government intention. Japanese war-making capability was assessed solely in its impact on Russian war-making capability but not in its effects on European positions in continental East Asia. Consequently, European military planning, at least until 1911, was based on serious miscalculations serious enough to induce German ambassador Graf von Rex to telegraph to Qingdao as late as on 9 August 1914 the message that Japan would not move against the place.¹⁷³

The Japanese Conception of Colonialism Without Empire

In an article published in 1992, Peter Duus argued that Japanese ‘imperialism’ was unique in not being accompanied by quests for ‘colonies’. Duus noted the reluctance displayed by Japanese governments between the 1870s and the end of World War II to explicitly refer as ‘colonies’ to the dependencies under their control. He did, of course, note that the Takumushō 拓務省¹⁷⁴ had been established in 1929 as an agency in charge of “development”.

172 Deutsches Reich, Reichsmarineamt: Report to the government of Kiaochow, January 1908, Ms. Freiburg: BUNDESARCHIV–MILITÄRARCHIV RM 3/6914 [partly printed in: ARTELT: *Tsingtau* (note 169): 206–09].

173 Waldemar VOLLERTHUN: *Der Kampf um Tsingtau. Eine Episode aus dem Weltkrieg 1914/1918 nach Tagebuchblättern*, Leipzig: Hirzel 1920: 32. Paul OSTWALD: *Japans Entwicklung zur modernen Weltmacht*, Bonn and Leipzig: Schroeder 1922 (Bücherei der Kultur und Geschichte, 28): 162.

174 DUUS: “Shokuminchi” (note 78): 105–21. The avoidance of the ascription of the status of colonies to dependencies under the control of the Meiji government has remained

Duus argued that the establishment of the ministry had come late and under the aegis of the League of Nations Trusteeship regulations. Duus was right in classing the Japanese government use of colonialist terminology as reluctant and pointing to the legacy of Pan-Asianism as the cause of that reluctance. However, Duus failed to recognize that Japanese reluctance to use imperialist terminology in official diction was even stronger and more consistently displayed than the reluctance to use colonialist terminology. Specifically, Japanese governments were unwilling to implement British imperialist terminology, manifest in the title Empress of India conveyed upon Queen Victoria in 1877, and the use of the attribute imperial for institutions in charge of controlling the British Empire. The avoidance of imperial terminology seems straightforward enough in view of the choice of the title “Empire” for Japan as a state. Yet by consequence, the Japanese concept of control over dependencies was relatable to a concept of empire merely in the European perception in which empires were equivalent of sets of territories and population groups in Africa, Asia and the South Pacific and subject to the control of a great power in Europe and North America. This perception, however, was not compatible with attitudes prevailing in Japan. As the Meiji government expanded its control beyond the confines of the borders of Japan as a state, it did so without a master plan equivalent of the expansionist program that became explicit through the Final Act of the Berlin Africa Con-

unnoticed in recent research in comparative colonialism; see Anne BOOTH and Kent DENG: “Japanese Colonialism in Comparative Perspective”, *Journal of World History* 28 (2017): 61-98. Herfried MÜNKLER and Eva Marlene HAUSTEINER (eds): *Die Legitimation von Imperien*, Frankfurt and New York: Campus 2012. The first government agency in charge, among others, of the administration of the Mandated Territories (Takumu Kyoku 拓務局) was established in 1922 but did not contain an explicit reference to colonialism in its name. Instead, its name reflected the developmentalist approach that was characteristic of British colonial administration, even though it came to be maintained in public only a decade or so later. See Donald CAMERON: *Native Administration in Nigeria and Tanganyika*, Hull: Brown 1937 (Journal of the Royal African Society, vol. 36, Supplement): 3, 17. For developmentalism informing Japanese colonial administration see HIRANO Yoshitarō 平野義太郎 and KIYONO Kenji 清野謙次: *Taiheiyō no minzoku seijigaku* 太平洋の民族=政治学 (Political Anthropology of the South Seas), Nippon Hyōron Sha 日本評論社 1942: 234. For studies see SHIMIZU Akitoshi [清水昭俊]: “Anthropology and the Wartime Situation of the 1930s and 1940s. Masao OKA, Yoshitarō HIRANO, Eiichirō ISHIDA and Their Negotiations with the Situation”, in: *Senri Ethnological Studies* 65 (2003): 49–108. TOMIYAMA Ichirō [富山一郎]: “Colonialism and the Sciences of the Tropical Zone. The Academic Analysis of Difference in ‘the Island Peoples’”, Tani E. BARLOW (ed.): *Formations of Colonial Modernity in East Asia*, Durham: Duke University Press 1997: 199–221, at 207, 216–17.

ference of 1885.¹⁷⁵ Instead, the Meiji and subsequently the Taishō governments pursued their expansionist policy of accomplishing the more far-reaching goal of obtaining recognition as a great power. In taking this stance, the Meiji government rejected the strategies of expansion of rule which Katō Hiroyuki as one of its closest advisors had recommended and, instead, employed a developmentalist approach. Only during the 1930s the expansion of Japanese government control beyond the confines of the archipelago laid the grounds for offensive and oppressive policies, accompanied by government support for settler colonialism, thereby perverting the legacy of Pan-Asianism into an ideology of aggression in perversion of the Pan-Asianist principles that had guided previous governments.

With regard to Japan, the reciprocal interactionistic study of the change of concepts and perceptions transferred across societies and cultures thus allows the specification of the transformations that concepts and perceptions undergo as a result of transfers. These transfers do not take place along one-way roads. Concepts and perceptions that get transferred indeed have effects on receiving societies and cultures, as has long been noted.¹⁷⁶ Yet, transfers also change the concepts and perceptions themselves, as the receiving societies and cultures have both the authority and capability of handling the incoming perceptions and concepts in accordance with their own norms, values, patterns of action, goals and agenda, even when the transfers occur under diplomatic pressure and the threat of deployment or actual use of military force. The transfer to Japan of the European and North American concepts and perceptions constituting colonial rule as a manifestation of great-power status, occurred between the early 1850s and the late 1890s under precisely these conditions. Having been swept into office through a revolutionary process of the change of state structure during the winter of 1867/68, the new Meiji government began its tenure with the public declaration of its commitment to honor ‘the universal public law’ that appeared to be valid as non-statutory law and was positioned above stipulations laid

175 Final Act of the Berlin Africa Conference, 26 February 1885, *CTS*, vol. 165 (1981): 485–502; also, Robert J. GAVIN and J. A. BETLEY (eds): *The Scramble for Africa. Documents on the Berlin African Conference and Related Subjects. 1884–1885*, Ibadan: Ibadan University Press 1973.

176 James M. BLAUT: *The Colonizer’s Model of the World*, vol. 1: Geographical Diffusionism and Eurocentric History, New York: Guilford 1993. Rolf REICHERT: “Historische Semantik zwischen Lexicométrie und New Cultural History”, REICHARDT (ed.): *Aufklärung und historische Semantik*, Munich: Oldenbourg 1998 (*Historische Zeitschrift*, Beiheft 21): 7–28.

down in written texts. The Meiji government came to understand, at the latest by 1873,¹⁷⁷ that the notion of ‘universal public law’, having had wide areas of overlap with the traditional European notion of natural law, no longer featured within the then current legal concepts and perceptions of its treaty partners in Europe and North America. Instead, these treaty partners had, from the beginning of the nineteenth century, adopted new principles. First, international law was to be agreed upon and enforced within some “international legal community”. Second, membership in this “community” was not regarded as a given. Third, new members had to receive recognition as “civilized” through acts of grace granted by existing members. Moreover, the Meiji government further understood that, within the “international legal community”, there was a privileged group of states termed great powers and seen as equipped with the capability of conducting ‘world politics’, underpinned by control over dependencies. It had to acknowledge that the existing treaties had not been based on ‘universal public law’, but on the specific legal framework of the European public law of treaties among states and that the latter framework was employed to the end of denying equal rights to Japan as a treaty partner. In response to this understanding, the Meiji government kicked off the hasty and often harsh process of the transformation of state institutions as well as cultural, economic, military, political and social features with the explicitly stated goal of manifesting its status as the government of a legally equal sovereign state.¹⁷⁸ The Meiji government took great care to select those features for the transformation process that its European and North American treaty partners included into what they termed “civilization”. The “Constitution” as “something enumerating the rights and duties of rulers and the ruled”,¹⁷⁹ formally ranked the state as an “Empire”, thereby stipulating the use of the imperial terminology in official references to the state and its institutions in pronouncements made out in European languages. The Meiji government also took over the perception that states as members of the “international legal community” should conform to some standard of alleged “civilization”. And it finally adopted the perception that, within the “international legal community” with Japan as a member, there

177 See above, note 24.

178 As already observed by Ottmar von MOHL: *Fünfzig Jahre Reichsdienst*, Leipzig: List 1920: 184–85. MOHL: “Bilder aus Japan”, *Deutsche Revue über das gesamte nationale Leben der Gegenwart*, vol. 15, issue 4 (1890): 31–42, at 33–5.

179 TAKII: *Constitution* (note 134): X, quoting a remark by NITOBE Inazō from his *Nitobe Inazō zenshū*, vol. 6, Kyōbun Kan 教文館 1965: 47–51, at 48–9 [second edn, ibid. 1974].

was the group of privileged great powers in control of colonial dependencies. In these three respects, the concepts and perceptions of European provenance underwent significant transformations as they became transferred into Japan. The European concept according to which states could have empires as their claimed possessions turned into the concept according to which Japan as a state was an “Empire”. The perception of “civilization” as the benchmark which members of the “international legal community” had to meet was transformed into the perception of “civilization” as an instrument to accomplish the legal equality of states. And the perception that colonial rule was the privilege of self-appointed great powers within the “international legal community”, was converted into the perception that the expansion of colonial rule was a condition for the recognition of great-power status. European and North American governments as well as their intellectual advisors noted these transformations of concepts and perceptions in consequence of their transfer to Japan, but refrained from analysing them carefully. When it came to practically assess the kind of response the Japanese government would pursue in the event of a wide-ranging European military conflict, military planners in Europe, instead of seeking to acquire reliable and detailed knowledge about Japanese strategic planning, confined themselves to imposing upon Japan some grand strategy of the expansion of colonial rule, seen as targeted at Northeast Asia, and reiterated Japanese propaganda rather than presenting careful analysis: “The spirit dominating the Japanese all through was a concentrated and passionate determination to win at all costs.”¹⁸⁰ Hence, the Meiji and Taishō governments had a reasonably precise understanding of how the world, as represented by their treaty partners, was looking at Japan. But the world, seeing through the spectacles of European and North American governments, hardly understood how Japan was looking at the world.

180 *Official History* (note 153): 210. This, of course, was an observation easily to be gleaned from published texts such as NITOBE Inazō: *Bushidō. The Soul of Japan*, thirteenth edn, Philadelphia: Leeds & Biddle 1908: 25–32 [first published, Shokwabo / Shōka Bō 裳華房 2560 = 1900].